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F. W. Hantowille

1850

AN
ECCLESIASTICAL HISTORY
OF
GREAT BRITAIN,

Chiefly of England,

FROM THE FIRST PLANTING OF CHRISTIANITY, TO THE END OF
THE REIGN OF KING CHARLES THE SECOND;

WITH A BRIEF ACCOUNT OF THE
AFFAIRS OF RELIGION IN IRELAND.

COLLECTED FROM THE BEST ANCIENT HISTORIANS, COUNCILS, AND RECORDS,

BY
JEREMY COLLIER, M.A.

NEW EDITION,
WITH A LIFE OF THE AUTHOR, EMBRACING A VIEW OF HIS OPINIONS, AND THOSE
OF THE NONJURORS AS A BODY,

By THOMAS LATHBURY, M.A.

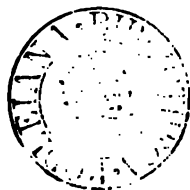
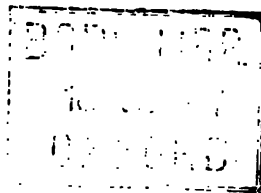
AUTHOR OF "A HISTORY OF THE NONJURORS;"
THE CONTROVERSIAL TRACTS CONNECTED WITH THE HISTORY, AND A NEW AND
MUCH ENLARGED INDEX.

Juvat integros accedere fontes,
Atque haurire. LUCRET.
Nec studio, nec odio.

IN NINE VOLUMES.

VOL. IV.

LONDON:
PRINTED FOR WILLIAM STRAKER,
ADELAIDE STREET, WEST STRAND.
1852.



PREFACE.

THIS second volume acquaints the reader with no small revolution in the belief and worship, in the revenues and jurisdiction of the Church. This matter, not carried at first without opposition, and descending in the consequences upon after-ages, must of course be differently received. I am sensible, a subject of so nice and weighty an importance, cannot be undertaken without standing some hazard. When men's opinions are contested, when they are not entertained in their humour, nor caressed in their imagined interest, they are apt to grow disconcerted, and run out into censure. But a Church historian especially, ought to be proof against attacks of this kind. His business is neither to take too much freedom with the dead, nor to be overawed by the living. Caution in excess, affectation of popularity, and mercenary regards, are dangerous qualities: he that seeks to please men, upon these motives, cannot be the servant of Christ.

Gal. i. 10.

On the other hand, where truth and public service will give leave, gentle usage, and smooth report, are clearly to be preferred. A prosecuting manner, when unseasonably indulged, is an argument of prejudice, and ill nature; tends only to give disgust, and provoke to reprisals. A writer, who without necessity, bears hard on the credit of others, takes the likeliest methods to raise a party upon his own. I hope there will be no just occasion for a charge in this article. But professions of candour are, it may be, to little purpose. The critics are sometimes disposed to overlook the evidence, to press into

the dark, to conjecture beyond appearance, and pronounce unkindly upon the mind and intention. I must confess an iv. author's fate lies too much at mercy this way, were it not for the relief of an appeal to a higher court.

To qualify myself for the following undertaking, I have looked out for the best materials: and had the good fortune to succeed in this preparatory search. I received the favour of free access to the public repositories of records: some worthy gentlemen of my acquaintance have likewise obliged me with very valuable remains in manuscript. The places, and persons, are inserted in the margin, which I mention here by way of acknowledgment.

Some prints I have made use of, are, upon the score of their scarceness, no less curiosities than those unpublished. And of this, the first Common Prayer drawn up in the reign of king Edward VI., might have passed for an instance. But about half a year after I had gone through a short defence of this service, and transcribed the Communion Office, a book entitled, "The Dignity of the Episcopal Order," &c., appeared in print. In this treatise, as I am informed, (for as yet I have not given myself the satisfaction of perusing it,) some part of that Common Prayer is published. As to this, I must say, I knew nothing of the learned author's design: neither was I acquainted with his having vindicated the eucharistic sacrifice, until I had finished my remarks upon that subject.

As the main points in difference between the Churches of Rome and England came up, I have endeavoured, in both parts of this history, to justify the reformation of the latter.

And here it may be observed, the council of Trent convened in the reign of king Henry VIII., has disserved the union of Christendom. For the purpose: this synod has decreed disputable doctrines into articles of faith. And whereas, before, either side of the question might have been held without censure; now, that liberty is gone; and every one is obliged to come up to the terms of the council. Amongst these misfortunes may be reckoned, their setting Scripture and

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tradition upon an equal foot of authority, and extending the canon to the Apocrypha. Pope Pius IV.'s creed will furnish somewhat further. Thus instead of relaxing, they have drawn the knot closer, thrown in new difficulties, and made the conditions of communion more shocking and impracticable.

Father Paul's Hist. of the Council of Trent. Du Pin's New Eccles. Hist. cent. 16. vol. 2. v.

In the course of this work I had occasion to take notice that one question, of no small importance, does not properly lie within the cognizance of the long robe. But in this remark I meant no abatement of regard to that profession. The law is a very useful and creditable employment. It requires industry and close thinking; and without natural fund, time, and application, there is little progress to be expected. I heartily wish the clergy would imitate their predecessors, and make it more of their study. In my humble opinion, Coke's Institutes would be better furniture than Calvin's Institutions; and the reading the Statute-book much more serviceable than some systems of Dutch divinity. The Jewish priests understood property, and pleas of the crown. The pontifical college of the old Romans were famous for attainments of this kind; and so were the English Churchmen in former ages. Were this custom revived in those of that function, they might meet with an encouraging return. A moderate improvement in this knowledge would guard their interest, oblige their parish, and strengthen their character. Neither would this be any encroachment on a foreign employment, any interloping upon the Inns of Court: for the constitution is no inclosure: it is designed for common benefit: and, as king James I. justly observes, every subject ought to understand the laws under which he lives.

Deut. 17. Deut. 21. Gutherius, de Jure Veter. Pontific.

Wentworth's Office of Executors, Pref.

When the first part of this history was finished, only five tomes of the Tower Records were published by Mr. Rymer, which I then made use of; but now that number is increased to fourteen. And since most of these collections fall short of the reign of king Henry VIII., a brief account, I conceive, of what is most remarkable may not be amiss.

In the first place, I shall transcribe king Edward III.'s license to the bishop of London for imprisoning an heretic, and

keeping him in safe custody, till he should recant his mispersuasion, and return to the belief of the Church:—

&c. “Rex venerabili in Christo Patri S. eadem gratia episcopo Londoniæ salutem.

“Quia accepimus per inquisitionem vestram quod Nicholaus vi. de Drayton vestræ diœcesis super erroribus contra articulos fidei Catholicæ, populo nostro, in diversis locis in diœcesi vestra, per ipsum publicatis, coram vobis congrue convictus, et pro hæretico adjudicatus existit; quodque in suo errore nefando, animo indurato, nequiter perseverans, ad fidei Catholicæ unitatem redire non curavit, nec curat in præsentī, licet sæpius ad hoc excitatus, et inductus, sententiam majoris excommunicationis in hac parte incurrendo, in animæ suæ grave periculum, et plurimorum perniciosum exemplum.

“Cum igitur sancta mater Ecclesia ita tales hæreticos prosequitur ne suo veneno alios inficiant, ut in carceribus custodiri præcipiat.

“Super quo nobis supplicastis, ut vobis dictum Nicholaum carcerali custodiæ vestræ mancipare, et ipsum in carcere vestro custodire, quousque errorem suum hujusmodi nefandum revocaverit, et ad fidei Catholicæ unitatem redire voluerit, licentiam in hac parte specialem concedere dignemur; nos supplicationi vestræ prædictæ gratanter concedentes, ad ipsum Nicholaum hæreticum carcerali custodiæ vestræ mancipare, et ipsum in carcere vestro custodiri faciendum, quousque dictum errorem suum revocaverit, et ad fidei Catholicæ unitatem redire voluerit, quantum in nobis est, licentiam concedimus specialem. In ejus, &c.

“Teste rege apud Westmonasterium vicesimo die Martii.”

From this license, it is plain it was not the custom of the Church of England to go to extremities with heretics, to move for capital punishment, and deliver them over to fire and fagot. The common method in the spiritual courts was to carry their discipline no further than imprisonment. When any person

was convicted of heresy, the bishop petitioned the crown for leave to confine the criminal in the prison of the diocese; which, it seems, the ordinary could not have done without such an authority. This imprisonment was to continue during life, unless the person renounced his heterodoxy; in which case he was "rectus in curia," and restored to his liberty. I grant the learned Fitzherbert affirms burning was the punishment for heresy by the common law; but then, as far as it appears, this rigour was never executed till after the statute against the Lollards.

vii.
See vol. 1.
of this Hist.
p. 615.
Ibid. 618.
2 Hen. 4.
cap. 15.

To proceed: The kings of England, prior to the Reformation, were not unmindful to guard their crown against papal encroachments. Upon this view, James Dardain, the pope's collector, was obliged to give king Richard II. the security of an oath at the council-board. I shall translate the substance of this solemn engagement. He swears to be "true and faithful to our sovereign lord the king; neither to do or suffer, as far as in him lies, any thing to the prejudice of his highness, any thing that might be detrimental to the realm, or overbear the laws and public customs; that he would keep the king's secrets from all persons living; that he would neither execute, nor suffer the execution of any of the pope's mandates, to the disadvantage of his majesty, of his prerogative, his laws, or his realm.

"That, upon his receiving any letters from his holiness or the conclave, he would bring them to the privy-council, before he had either published or showed them to any person living; that he would export no money or plate out of England, nor make any remittances by bills of exchange, without special license from the king or his council; that he would send no letters to foreign parts to the king's disservice.

"That he would begin no new practice, either with foreign authority or without it, unless empowered by his majesty's special license for that purpose; and in case he received any such commission, he would lay it in the first place before the king or his council; and, lastly, that he would not convey him-

Conventio-
nes, Acta
Publica, &c.
tom. 7.
p. 603.

self out of the kingdom without his majesty's license under the broad seal."

The year following, the king, in his writs, directed to the archbishops and bishops, takes notice the pope had attempted to tax the English clergy, and ordered the bishops to assist in levying the money. His majesty "complains of this as a new and unwarrantable imposition; that the parliament had advised him upon this head, and made a provision against such demands. He therefore requires the lords spiritual, under the highest forfeitures, to desist from executing the pope's bull, and not contribute themselves in the least proportion for that purpose."

Id. p. 644.
13 Rich. 2.

The last thing I shall observe under this prince is his majesty's writ issued to the high sheriff of Devonshire, "and to the mayor and bailiffs of Exeter, to support the chapter of that see in the free choice of a bishop; and that those who disturb the election should be committed." This order was sent to prevent the pope's provision from taking place.

Id. p. 792.
18 Rich. 2.

Conventio-
nes, Acta
Publica, &c.
tom. 8.
p. 101, and
510.
See 1st part
of this Hist.
p. 650.

Henry IV., in the first year of his administration, restores thirty-two priories belonging to the French monasteries, which had (some of them at least) been alienated by king Edward III.; but eight years afterwards, with the assent of the privy-council, he seized the revenues of the priors-aliens for the expense of his household.

Regist.
Chichely,
p. 2.

To go on in the order of time, it may not be improper to acquaint the reader that the process against Sir John Oldcastle, and the tenets of this gentleman, translated from Walsingham in my first volume, agrees with the record of that matter entered upon the register at Lambeth.

King Henry V. ordered that all bishops elect should be confirmed by their metropolitans, during the vacancy of the see of Rome. The instrument sets forth, "that, considering the present schism, their waiting for the choice of another pope was a dangerous expedient; that all the bishoprics in England might possibly become void by such delays; and that metropolitans confirming their suffragans, while the apostol-

lical chair stood empty, was a customary practice in other countries.”

Conventio-
nes, Acta
Publica, &c.
tom. 9.
p. 337.

The council of Constance was held in this reign. At this synod the king's ambassadors and the other English representatives got the following reformation passed by the Fathers, and confirmed by pope Martin V. The articles point only upon discipline :—

And first it was agreed, that “ the honour of the cardinalate should not be lavishly bestowed ; that this distinction should be confined to a moderate number, that the Church might not be overburthened, nor the dignity grow cheap, by making the college too full ; and that cardinals should be indifferently chosen out of all Christendom by the majority of that order.

The rest of the articles relate wholly to the Churches of England, Wales, and Ireland.

The foremost sets forth, “ That indulgences and faculties being too plentifully granted by the apostolic see, for absolving those who offered at particular places for devotion ; several people took the liberty to run riot with less restraint : to slight their proper pastors ; to ramble from their parish in pilgrimage after these celebrated indulgences, and refuse paying the duties at home in tithes and oblations.”

To remedy this grievance : “ the diocesans are empowered to inspect these licenses with authority to supersede such as are scandalous, and solicit the pope for a revocation.

“ 2ndly, That for the future, no appropriations shall be made, unless the suggestions reported are approved by the bishop, who is to inquire into the truth and sufficiency of them. And livings appropriated upon frivolous and undue motives, should be restored to their former condition by the ordinary.

“ 3rdly, That all unions, appropriations, and consolidations of perpetual vicarages, made since the schism, shall be revoked without exception, and perpetual vicars competently endowed for maintenance and hospitality, settled by the ordinary.

“ 4thly, That all privileges of wearing mitre and sandals, and

¹ *Some
abbots.*

such episcopal distinctions, granted the inferior prelates ¹, since the death of pope Gregory XI., shall be recalled.

“ 5thly, That though plurality of benefices stands censured by the canons, and dispensations cannot be fairly given, (excepting to persons distinguished by birth or learning ;) these favours, however, are not seldom improperly indulged : it is provided therefore, that this practice shall cease, and the regulations of the council take place : but as touching retrospections to be made by the ordinary, they were to be so managed, that nothing done should be unsettled, instances of scandal excepted.

“ 6thly, That of late especially, several incumbents have procured dispensations from the pope, sometimes for seven years, sometimes during life, to excuse them from entering into such orders as are requisite to qualify them for their function : and that the Church suffered very much by such relaxations.

“ To prevent these occasions of scandal, all such dispensations were to be cancelled, the beneficed persons put under the
x. direction of the canons, and obliged to take proper orders, provided they were furnished for that purpose.

“ 7thly, That since upon the score of dispensations being sometimes granted by the apostolic see for non-residency, and for enabling archdeacons to make their visitations by proxy, the cure of souls is neglected, and the episcopal authority fallen under contempt,—

“ It is therefore decreed, that no such dispensations shall be granted without express mention of a warrantable consideration : and that his holiness shall send the ordinaries a commission to call in such dispensations as have been gained upon unreasonable suggestions.

“ 8thly, That all faculties granted by the court of Rome to any of the monastic order for holding benefices, either with cure or without : that all such faculties not executed, and driven to effect, shall be revoked : and that no such liberty shall be indulged for the future.

“ 9thly, and lastly, That the English, in case they are quali-

fied, shall be admitted to preferments in the court of Rome, and stand upon an equal foot of regard with other nations."

This reformation was entered upon the register in the pope's chancery, exemplified by his holiness's order, and attested by the officers of that court.

Ex Biblioth.
Cotton.
Tiberius.
B. 6. fol. 32.
A. D. 1419.
An. 10 H. 6.

To proceed; king Henry VI., at the request of two Cistercian abbots, William de Claravelle, and John de Theoloc, gives them a commission to visit all the monks of their order in England, Wales, and Ireland. They are empowered to inquire into the management of the religious, to exert the discipline of the rule upon misbehaviour, and bring up practice to the institution.

A. D. 1432.

This authority seems an unusual instance of the regale: for in the reign of king Henry VIII., who seldom slept over his prerogative, cardinal Wolsey received a bull from Clement VII. for this purpose; it is probable, therefore, these abbots might be commissioned by the pope for their visitation. But to move with more force and expedition, they applied to the crown for the concurrence of the civil magistrate: for by the instrument, all sheriffs, mayors, bailiffs, &c. are commanded to assist them.

Convention-
nes, Acta
Publica, &c.
tom. 10.
p. 501.

The next thing I shall observe, is a royal license granted to Robert Gilbert, elect of London, either to go, or send to Rome, for the confirmation of his election. Such applications to the pope were then the customary practice: but the license looks more like favour, than common right. For by the form we may conjecture the king might have denied it.

Id. tom. 14.
p. 18.

In the vacancy of the see of Lincoln, the chapter chose xi. William, bishop of Norwich, for that diocese: upon this, the king wrote to Eugenius IV. for leave, that the bishop of Norwich might quit his bishopric, and remove to Lincoln. From whence we may collect that the translation of bishops was part of the claim of the court of Rome.

Convention-
nes, Acta
Publica, &c.
tom. 10.
p. 636.

In the nineteenth year of this government, the king conveyed all manors and estates of the priories alien then in the crown, to Henry, archbishop of Canterbury; John, bishop of Bath and Wells; John, bishop of St. Asaph; and William, bishop of

Id. p. 645.

Sarum ; to William, earl of Suffolk ; to John Somerseth, Thomas Beckington, Richard Andrewe, Adam Moleyns, clerks ; to John Hampton, James Fenys, and William Tresham, esquires. The lands, rents, reversions, &c. belonging to these priories are passed to the persons above-mentioned, their heirs, and assigns : they were obliged to do fealty for answering the king all services and demands which might legally be required.

Id. p. 802.

From hence, it is plain there were reservations in the grant : to speak clearly, the conveyance was probably nothing more than making them trustees for transferring these estates upon public benefactions, as the reader may discover in the following history.

Conventio-
nes, Acta
Publica, &c.
tom. 11.
p. 468.

Twenty years forward, this prince gives Franciscus de Coppinus, Pius II.'s legate, a license to accept any bishopric in England, to which this pope, or his successors, should provide him, excepting the sees of Canterbury, York, Lincoln, Winchester, Durham, and Bath and Wells.

From this restraint it may be observed : first, that the popes had no arbitrary sway in disposing spiritual preferments ; 2ndly, by the order in which the reserved sees are mentioned, we may collect that Lincoln, and Bath and Wells, though slenderly endowed at present, were then very wealthy bishoprics.

Conventio-
nes, Acta
Publica, &c.
tom. 12.
p. 562, 563.

In the tenth year of king Henry VII., pope Alexander VI. issued two bulls for suppressing the priories of Montisfont in the diocese of Winchester, and Luffield in the diocese of Lincoln. The reason assigned for dissolving these houses, is the decay of the revenues ; the first being able to maintain but four, and the other but three religious. The dissolution was granted at the king's request : and the crown empowered by the bull to erect Montisfont into a collegiate church, consisting of a dean and prebendaries, and settle the revenues of Luffield on the chapel, chantry, and hospital of St. George's at Windsor.

This year, Laurence Burelly, a Frenchman, provincial of the Carmelites, and deputed by the general to visit the English of that order, procured a license from the king to execute his commission. But it was upon condition that he attempts

nothing to the king's prejudice, nor levies or exports any money without his majesty's express leave. Id. p. 574.
An. 19 H. 7.

This prince got a bull from pope Julius II. for exempting his chapel at Westminster from the jurisdiction of the ordinary, and putting it under the immediate protection of the see of Rome. Conventiones, Acta Publica, &c. tom. 13. p. 100.

Through the reigns prior to king Henry VIII., the custody of the temporalities of bishoprics was commonly granted to bishops, to abbots, or deans and chapters. This was done to prevent waste, and guard the patrimony of the Church. And (which deserves to be remarked) the kings sometimes gave the rents and profits, accruing in the vacancy, to the succeeding bishop. Conventiones, Acta Publica, &c. tom. 13. p. 158.

They considered, it is likely, the estates of the Church were settled upon religion, and vested, as it were, in God Almighty; and thus they might think that seizure or secular application, though but for a short interval, was breaking in upon the consecration, and foreign to the meaning of the endowment.

I am now advanced to the period of the former volume, and shall charge the Preface with no more records.

Since the writing this Preface, and when this second part was almost printed off, Mr. Rymer published the fifteenth volume of the Tower Records. Having looked over this book, I shall transcribe some things which I conceive more particularly supplemental and new to the reader.

The first I shall mention is the grant from the crown of the bishopric of the Isle of Man, to Henry Man, doctor in divinity. The most remarkable part of the instrument runs thus: "Eundem Henricum Man in episcopum dicti episcopatus præficimus et deputamus, cum omnibus et singulis præfati episcopatus commoditatibus, juribus, et emolumentis quibus-
A. D. 1546,
Pat. 37.
H. 8. p. 9.
M. 28.
Fodera,
Conventiones, Literæ,
&c. vol. 15.
p. 85.

cunque, tam spiritualibus, quam temporalibus.
"Curamque regimen et gubernationem, et administrationem ejusdem episcopatus, et in eodem degentium, eidem Henrico in Domino committentes, et per præsentis committimus, &c."

revocandum eumque si errorum suorum pertæsum esse compereritis, ad errorum suorum hujusmodi abjurationem et renunciationem inducendum. Et subsequenter in sacrosanctæ Ecclesiæ gremium admittendum, aliasve, pro ut juris et æquitatis ratio persuaserit, absolvendum et dimittendum, pœnitentiasque salutare et condignas pro commissis infligendum et imponendum.

“Pertinacem vero, et obstinatum erroribus suis desperate immersum, siquemprehenderitis, ex cœtu fidelium ejiciendum et exterminandum, ac sæculari potestati, si ita facti atrocitas exposcat, committendum, tradendum, et liberandum: nec non omnes et singulos rectores, vicarios, clericos, et ministros ecclesiasticos quoscunque, ac laicos ejuscunque conditionis existant, ‘Librum appellatum,’ &c., aut divina officia in eodem expressa et inserta, vel aliquam partem eorundem contemnentes, spernentes, adversantes sive obloquentes, siqui tales suspecti, reperti, detecti, inquisiti, aut accusati fuerint, juxta vim, formam, et effectum statuti in ea parte editi et provisi, puniendum et corrigendum: cæteraque omnia et singula faci-

xiv. endum, exercendum, et expediendum, quæ circa dictæ inquisitionis et examinationis negotia necessaria fuerint seu quomodo libet opportuna; vobis 25, 24, &c., aut tribus vestrum (quorum archiepiscopum Cantuariensem, episcopum Elien., episcopum Wigorn., episcopum Westm., episcopum Cicester., episcopum Lincoln., episcopum Roffen., Willielmum Petre, Thomam Smythe, Richardum Cox, aut Willielmum Mey, unum esse volumus, et in executione præmissorum interesse) de quorum sana doctrina, fidei zelo, vitæ et morum integritate, exactaque in rebus gerendis dexteritate, specialem in Domino fiduciam obtinemus, vices nostras committimus, ac plenam tenore præsentium concedimus facultatem.

“Cum potestate plenissima personas sic detectas, denunciatas, inquisitas vel suspectas, evocandi coram vobis, et carceri et vinculis, si opus fuerit, mancipandi; ac testes quoscunque, pro veritate præmissorum explicanda et eruenda, quomodolibet requisitos, coram vobis quibuscunque diebus et locis, vestro

arbitrio in hac parte limitandi, evocandi, et citandi, eosdemque testes sese subtrahentes omnibus modis et juris remediis quibuscunque compellendi.

“Cumque omni alia jurisdictionis et auctoritatis nostræ legitima coercionem in hac parte et potestate, vosque ad effectus prædictos cognitores, inquisitores, iudices et commissarios nostros nominamus, facimus, constituimus, et deputamus per præsentem.

“Eo non obstante quod denunciatio sive indictatio contra personas prædictas ejusmodi in hac parte non processit, sive aliquibus aliis statutis aut ordinationibus in parlamento nostro in contrarium editis seu provisus, in quibus major forsitan sollemnitas et circumstantiæ ad hujusmodi exequenda negotia requiruntur, cæterisque in contrarium facientibus, non obstantibus quibuscunque.

“Mandantes omnibus et singulis theologis et jurisperitis, nec non majoribus, vicecomitibus, ballivis, aliisque officiariis et ministris nostris quibuscunque quatenus vobis in et circa præmissorum executionem effectualiter, si per vos requisiti et interpellati fuerint, assistant, et suffragentur.

“In cujus rei, &c.

“Teste rege apud Leighes duodecimo die Aprilis. Per ipsum regem.”

About two years forward there is another commission for the same purpose and in the same form. It is dated at Westminster, January 18, 1551.

The next thing I shall present the reader with, as somewhat of a curiosity, is a license granted by king Edward VI. to Dudley, earl of Warwick, his countess and family, for eating flesh in Lent, and all other days of abstinence. It is to continue during the earl's life, and sets aside all acts of parliament and canons to the contrary. It stands thus.

“Rex omnibus ad quos, &c. Salutem. Sciatis quod nos, de gratia nostra speciali, ac ex certa scientia, et mero motu nos-

An. 1550.
Part. 4 E. 6.
p. 2. M. 32.
Id. p. 207.

tris, nec non de avisamento et consensu consiliariorum nostrorum.

“Licentiam dedimus et concessimus, ac per præsentis damus et concedimus, prædilecto et fideli consiliario nostro, Johanni Comiti Warwici, magno admirallo nostro Angliæ, et Dominæ Johannæ uxori suæ, ac toti ipsius familiæ, ac omnibus (quotquot sunt) ad eundem comitem vel dictam uxorem suam accedentibus, quod ipsi, et totæ ejusdem comitis familiæ ubicunque fuerint, ac omnes alii ad eundem comitem, aut dictam uxorem suam, forsitan accedentes, deinceps, durante vita naturali ipsius comitis temporibus quadragesimalibus, et aliis diebus jejunalibus quibuscunque, carnibus et lacticiniis vesci libere et impune xv. valeant et possint, aliquo statuto actu sive proclamatione, constitutionibus aut ordinationibus quibuscunque in contrarium factis aut editis, seu imposterum fiendis, vel edendis, in aliquo non obstantibus.

“Eo quod expressa mentio de certitudine præmissorum, actuque sive statuto de abstinencia a carnibus in parlamento nostro apud Westm. anno regni nostri secundo, tento, aliquove vel alio actu sive statuto nostro qualitercunque edito, vel edendo, aut aliqua alia re, causa, vel materia quacunque, in aliquo modo non obstantibus.

“In cujus rei, &c.

“Teste rege apud Westmonasterium decimo octavo die Februarii.

“Per ipsum regem.”

A. D. 1575.
Pat. 17
Eliz. p. 5.
M. 9.
Id. p. 740.

To conclude, I shall transcribe but one record more, and that is a warrant and writ, in queen Elizabeth's reign, for the burning of heretics. The tenor of the warrant is as follows :

“Elizabeth, by the grace of God queen of England, France, and Ireland, defender of the faith, &c. to our right trusty, and right well-beloved counsellor, Sir Nicholas Bacon, knight, lord keeper of our great seal of England, greeting.

“Where the reverend father in God, Edwin, bushoppe of

London; Edmunde, bushoppe of Rochester; and our right trusty and well-beloved Sir William Cordell, knight, maister of the Rolls; Roger Manhood and Robert Mounson, two of the justices of our Common Pleas, with others our commissioners sufficiently authorized by our commission, under our great seal of England, have travailled upon the examination, hearing, and determination of John Peeters and Henry Turwert, being Flemings born, and now living in this our realm, concerning their false opynyons and sects of Anabaptists, holden and averred by them, wherein they have, before the said reverend fathers and others our said commissioners, maintained their said most perillous and dangerous opynyons, for the which they are by definitive sentence decayred, by the said reverend father the bushoppe of London, with the consent of other our said commissioners justlie adjudged and declared to be hereticks, and therefore as corrupt members to be cut off from the rest of the flock of Christ, lest they should infect others professing the true Christian faith, and are by them left under the sentence of the great excommunication, to be by our secular power and auctoritye as hereticks punished, as by the significavit of the said reverend father in God the bushoppe of London, with the assent of our said commissioners, remaining in our court of Chancery, more at large appeareth; and although the said Anabaptists have, since the said sentence pronounced against them, binne often and very charitably traveled with, as well by the ministers of the Duche Church in the citye of London, as by other godly and learned men, to dissuade, revoke, and remove them from their Anabaptistical and heretical opynyons, yet they arrogantlie and willfully persist and continewe in the same.

“ We therefore, according to our regal function and office, myndynge the execution of justice in this behalf, and to give example to others lest they should attempt the like hereafter, have determined, by the assent of our counsayll, to will and require you, the said lord keeper, immediately upon the receipte hereof, to award and make out our writt of execution; accord-

ing to the tenor in these presents ensuing, and these our letters signed with our hande shall be your sufficient warrant for the same."

Part of the writ runs thus:—

"Elizabetha Dei gratia, &c. Vicecomitibus London salutem, &c.

- xvi. "Nos igitur ut zelator justitiæ, et fidei Catholicæ defensor, volentesque Ecclesiam sanctam ac jura et libertates ejusdem, et fidem Catholicam manu tenere et defendere, ac hujusmodi hæreses et errores ubique (quantum in nobis est) eradicare et extirpare, ac hæreticos sic convictos animadversione condigna puniri, attendentesque hujusmodi hæreticos in forma prædicta convictos et damnatos, juxta leges et consuetudines regni nostri Angliæ in hac parte consuetas, ignis incendio comburi debere.

"Vobis præcipimus quod dictos Johannem Peters et Henricum Turwert in custodia vestra existentes, apud West Smithfield in loco publico et aperto, ex causa præmissa, coram populo igni committi, ac ipsos Johannem Peters et Henricum Turwert in eodem igne realiter comburi faciatis, in hujusmodi criminis detestationem, aliorumque hominum exemplum, ne in simile crimen labantur, et hoc sub periculo incumbenti nullatenus omittatis.

"Teste Regina apud Gorambury decimo quinto die Julii.

"Per ipsam Reginam."

In this second part I have touched but lightly upon the state history; had the management been otherwise, the bulk would have swelled out of proportion. Besides, the civil transactions of these times are pretty well known: to which I may add, that the affairs of the Church are all along considerable enough to draw inquiry and furnish entertainment for the reader.

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AN
ECCLESIASTICAL HISTORY
OF
GREAT BRITAIN.

PART II.—BOOK I.

UPON the death of king Henry VII., his son of the same name succeeded to his dominions. This Henry was the only surviving issue male, and about eighteen years of age, at his accession to the throne. He was a very promising prince, both as to person, capacity, and improvement. He was tall, strong built, and proportioned, and had an air of authority and empire. His genius was lively, and his education pushed, and well managed : for, besides the customary exercises and accomplishments of a prince, he had made considerable advances in learning. He was a good Latinist, a philosopher, and divine : and as for music, his progress in that science was so unusual, that two entire masses of his own composing were sung in his chapel. His inclination to letters was early perceived : and if his elder brother had lived, it is said his father designed him for the see of Canterbury.

HENRY
VIII.

A. D. 1509.
K. Henry 8
a learned
and promis-
ing prince.

Lord Her-
bert,
F. Paul,
Hist. of the
Council of
Trent.

But Arthur, prince of Wales, dying, the late king contracted his son Henry to Catherine of Spain. The motives of engaging in so exceptionable a relation, were to prevent the parting with the princess's dower : this amounting to a great revenue, they were afraid might break the balance ; especially if this lady happened to marry with the house of France. Besides, the preserving the alliance with Spain was looked on as a serviceable expedient.

He is con-
tracted to
Catherine of
Spain in his
father's
reign.

Lord Her-
bert, p. 3.

WAR-
HAM,
Abp. Cant.

2.

See Records,
num. 1.

And here to silence the censures for marrying the brother's wife, and secure the issue from blemish and inconvenience, it was thought necessary to apply to the pope for a dispensation. Pope Julius II. complied with the request, and grants a bull and a brief for this purpose. They were both dated December 26, 1503.

*The pope's
dispensation
in favour of
the mar-
riage.*
Lord Her-
bert, p. 8.

In these instruments, the impediments of affinity, the objections of Catherine's cohabitation with Arthur, the supposition of her being already married to prince Henry, are all overruled and dispensed with. For though there was no matter of fact to rest the last case upon, yet the court of Rome was resolved to make all sure. But here it must be said, the pope proceeded against the opinions of many of his cardinals.

*This Sir R.
Morisin was
employed in
several em-
bassies in the
reigns of
Henry 8
and Eduw. 6.
Morisin's
Apomaxia
Calumniam,
&c.
p. 13.
Id. p. 14.*

How agreeable soever this alliance might be at first to king Henry VII., he afterwards, it seems, repented its being made. For as Sir Richard Morisin reports, he charged his son to break the contract. This advice was given, as this author continues, upon principles of conscience; and a full persuasion of the engagement's being unlawful. And because affection takes its rise from conversation, and sometimes grows unmanageable in young people; for this reason the king would not suffer his son to visit the princess, or hold any correspondence with her.

Id. p. 13.

See Records,
num. 2.
*He protests
against the
contract
when prince
of Wales.
He was born
June 23,
1491, and
the protesta-
tion bears
date, June
27, 1505.
But after-
wards mar-
ries the
princess,
June 3,
1509.
Holinshed.
Morisin,
p. 14.
Id.*

And, therefore, the protestation made by prince Henry about two years after, was done without doubt by his father's direction. For this protest in form against the lawfulness of the contract, could not be any suggestion of scruple in the young prince. He wanted something of fourteen years, when he thus publicly declared his dislike. Now this is an age too young for cases of conscience and debates about marriage.

And that he was swayed by his father in this affair, is pretty evident, by the change of his mind not long after. For before he had reigned two months, he was solemnly married to the princess Catherine. When he came into his own conduct, his fancy governed the matter, and made him forget his father's instructions. Now, as Sir Richard Morisin observes, he began to reason from his inclination, and to conclude, that pope Julius would never have allowed the marriage, had it been repugnant to the laws of God, or above his holiness's dispensation. Thus when the heart is once gained, the objections commonly vanish.

The next year pope Julius II. made his court to king Henry: he sent him a golden rose dipped in chrism, and perfumed with musk. It was directed to archbishop Warham, who had instructions to present it at high mass, with the pope's benediction.

HENRY
VIII.

A. D. 1510.
*The pope
sends the
king a pre-
sent.*

This Julius, who was a warlike prelate, having carried his point in Italy the last campaign, was willing to accept the submission of the Venetians. He made a peace with this state, February 24; and being uneasy at the progress of the French arms in Italy, he endeavoured to oppose their success. To this purpose he brought Ferdinand of Spain into his interest, by giving him the investiture of Naples. He likewise endeavoured to draw the king of England into a war against France, by putting him in mind of the victories of his ancestors, and the great patrimonial dominions they had in that country.

Spelm. Con-
cil. vol. 2.
p. 725.

And to solicit him more effectually, he offered king Henry the honour of being head of the league with the Italian princes. The king closing with the proposal, despatched Bambridge, archbishop of York, to Rome, with instructions to treat this affair. In the mean time, the pope and the Venetians made an attempt upon Ferrara and Genoa. But failing of success, the pope applies to the censures of the Church, and excommunicates the duke of Ferrara, with all his adherents. On the other side, to make this expedient unserviceable, Louis XII. convened a synod of the Gallican Church at Tours. At this assembly the pope's late management was censured, and his excommunication declared void. It was likewise resolved a remonstrance should be drawn up, and an admonition sent to persuade him to peace, and gentler measures. And if these terms were refused, he should be put in mind of the decree of the council of Basil, and requested to call a general council. Louis, the French king, having made this step, prevailed with the emperor Maximilian, and some of the cardinals, to join him in the motion. By this face of authority, a council was summoned to Pisa, and the pope required to appear there. While this business was transacting, the French forces under Chaumont set down before Bononia. The pope being surprised, and lying sick in the town, was forced upon harsh conditions. This besieging his holiness sounded ill, and was looked on as a very hardy enterprise; insomuch, that king Henry presently entered into a league with Ferdinand in Julius's defence.

*And endeavours to
make him
break with
France.*

Dupleix.
Lord Her-
bert.
Sept. 1,
1511.

*A council
summoned
at Pise.*

WAR-
HAM,
Abp. Cant.

Several
persons
abjure for
heresy.

Grebel
orthodox
in some
points, and
heterodox
in others.

Regist.
Warham,
fol. 144.
173.

Sept. 11.

Id. p. 174.

This year, several in the diocese of Canterbury abjured for heresy, before archbishop Warham, at his manor of Knoll. Christopher Grebel, one of them, abjured the articles following. The form runs thus :

“ In the name of God, amen. Before you, the most reverend father in God, my lord William, archbishop of Canterbury, I Christopher Grebel, layman, of the diocese of Canterbury, of my pure heart and free-will, confess and knowledge, that I in times past have believed, said, affirmed, holden, and taught of the sacraments of the Church, and other articles of faith, otherwise than the holy Church of Rome, and universal Church of God teacheth, &c. And specially, amongst others, these errors and heresies following, that is to wit, that in the sacrament of the altar is not the body of Christ, but material bread : also, that the sacrament of baptism and confirmation, is not necessary nor profitable for man’s soul. Also, that pilgrimages to holy and devout places, be not profitable neither meritorious for man’s soul. Also, that images of saints be not to be worshipped : and that a man should pray to no saint, but only to God. Also that holy water and holy bread be not the better after the benediction made by the priest, than they were before.” William Oldburd, Agnes Ive, Agnes Chettingden, Thomas Manning, John Collins, Robert Hill, Thomas Harwood, Stephen Castiline, William Oldbeard, Robert Reynolds, Thomas Field, John Oldbeard, Vincent Lynch, and some others abjured the said articles, and some, only some of them. For their penance, they were ordered to go barefoot, and offer a taper : some of them were enjoined to carry faggots, and leave them at the church door, and to offer something at the high altar, when mass was said. Stephen Castiline, being a leading person, and having brought over several of his opinions, had something particular in his penance. He was confined to a sort of perpetual imprisonment in the monastery of Leeds in Kent. And in case he took the liberty of going further than a mile from that place, was to be treated as a person relapsed. The other part of his penance was to carry a faggot the next Lord’s-day, into the Church of Tenderden, before the procession ; and during this confinement, he was to mortify in his diet, and to be fed “ pane doloris, et aqua angustiae.”

3. About this time, Elizabeth Samson, in the diocese of London, was delated for holding heretical opinions. She is charged

with speaking irreverently, and indeed impiously, of the holy eucharist, declaring against pilgrimages, and the worship of images: and here, though she was right in the main, yet her language was intemperate and indecent. The other two articles objected against her, were plain heresies, being no less than the denying our Saviour's ascension, and the general resurrection. She confesses the charge, and abjures.

HENRY
VIII.

Regist.
Fitzjames,
fol. 4.

Joan Baker was likewise convented for heresy. She denied the pope's power in granting pardons; refused to pay reverence to the crucifix; declared against pilgrimages, and said the lady Young, who was burnt for such opinions, died a martyr. She was dismissed upon abjuring.

Id. fol. 25.

About this time, one William Potear, of Whitcallne, abjured. He held, that if the Father, Son, and Holy Ghost, were three Persons, they were three Gods; and that "Holy, Holy, Holy," was sung in the church service to signify as much.

Item. That he did not understand what benefit the world received by our Saviour's passion; because, since his incarnation, as well as before, men are damned for mortal sins. And lastly, that he could not tell to what purpose the sacrament of baptism was available. He confessed all these articles in his abjuration.

The pope was unsuccessful this campaign in Italy, lost Bononia to the French, and was defeated in the field by Gaston de Foix. This disgrace was followed by another: his supremacy received a check, and a council was meeting at Pisa, against his will. To prevent this misfortune from going further, he excommunicates the princes and cardinals who summoned the council. But this censure was not regarded by the other party. However, the prelates who came thither, being discountenanced by the burghers of Pisa, translate the council to Milan; and finding no better entertainment there, removed to Lyons. Hither Julius is summoned, and his authority suspended, for not appearing. Upon this, the pope thunders his censures against France, nulls the council of Lyons, and summons another to be held at the Lateran in Rome. In this council the English had a representation; two bishops and two abbots being sent thither; viz., Silvester, bishop of Worcester; John, bishop of Rochester; Thomas Dockra, lord prior of St. John's; and Richard, abbot of Winchelcomb. In this Lateran synod, the sentence of excommuni-

A council
at Lyons.

Feb. 4,
1512.
Lord Her-
bert.

WAR-
HAM,
Abp. Cant.
*Voiced by
the council
of Lateran.*

Id. p. 17.

Id.

*Fox re-
commends
Wolsey.*

Cavendish,
Mem. of
Card. Wol-
sey.

Lord Her-
bert.
Antiquit.
Britan.
Eccles.
p. 309.

*Somewhat
of Wolsey's
character.*

Cavend.
p. 12.

cation against the members and abettors of the other council was confirmed, and the acts of it voided. The pope, to fortify himself further, endeavoured to draw king Henry into the quarrel against the French king. Archbishop Bambridge was the pope's agent in this matter, and for his service was made a cardinal.

King Henry being resolved to comply with the pope, and attack France, demanded the provinces of Anjou, Guienne, &c., which had formerly been parcel of the English crown. This claim being not considered by king Louis, the war broke out. The preparations for this expedition were managed by cardinal Wolsey, who was now a growing favourite. This Wolsey, a person of mean birth, had begun to make his fortune in the late reign. Fox, bishop of Winchester, recommended him to king Henry VII., who employed him in an embassy to the emperor Maximilian. Wolsey managed this affair with so much expedition and address, that the king rewarded him with the deanery of Lincoln at his return, and soon after made him his almoner.

About this time there was a misunderstanding between Fox, bishop of Winchester, and Thomas, earl of Surrey. The bishop, who was principal secretary and lord privy seal, charged the other, who was lord treasurer, with being too lavish of the king's money, and exhausting the exchequer, which was left so plentifully furnished by king Henry VII. The earl justified himself by alleging the king's special order. The bishop being somewhat worn out by age and ill health, disengaged from the court, and retired to his see; and that no ill offices might be done him with the king, he made a friend of Wolsey, who, by the bishop's interest, was brought further into the king's esteem, and sworn of the privy council. To let the reader into some part of his character, he is said to have been a person of great industry and despatch, who was always pushing his fortune, and make the most of an opportunity. He was reckoned a very good speaker, managed to commendation in the star-chamber; and upon the score of his elocution, was assigned by that court to report their proceedings to the king. However, the methods of his rise was not at all defensible, for he is charged to make his interest with the king with too much art, to apply to his inclination, and gratify his fancy, without regard to

the merit of the case. The king, being young, was governed by his diversions; Wolsey, perceiving the bent of his humour, undertook to ease him of the fatigues of business. Upon this the king put the administration mostly into Wolsey's hands; and what satisfaction he gave his master, may be guessed by his promotion. For the king made him first bishop of Tournay, lately taken from the French; and afterwards, upon the death of Dr. Smith, he was preferred to the see of Lincoln: to which we may add the archbishopric of York, which was given him at the decease of cardinal Bambridge. And having mentioned the death of these bishops, it may not be improper to say something about them. To begin with William Smith, who was bred at Pembroke-hall, in Cambridge, and from thence promoted to the bishopric of Coventry and Lichfield. Here he founded an hospital, with maintenance for a master, two priests, and ten poor people. He likewise founded a school there: and towards the endowment procured a grant of the hospital of Don-hall, in Cheshire, of king Henry VII. To this we may add the foundation of another school at Farmworth, the place of his birth, where he settles ten pounds a year for the master's salary; and to conclude with his benefactions, he began to build the college of Brazennose, in Oxford, but here death prevented the finishing his design. He was translated to Lincoln, in the year 1495; and was lord president of Wales from the seventeenth of Henry VII. to the fifth of Henry VIII., in which he died. To proceed in a word to cardinal Bambridge. This prelate was extracted from a considerable family near Appleby, in Westmoreland, bred in Queen's-college, at Oxford: and being doctor of law, was made master of the rolls, and dean of York. In the year 1507, he was consecrated bishop of Durham, and translated to York the year after. He had a public character from the king at the court of Rome, as has been observed already. In his return from thence towards England, he died at Rouen. It is thought, his passion was the occasion of his death; for Rivallus de Modena, his steward, being caned by the cardinal, he poisoned him in revenge. He died July 14, 1514.

HENRY
VIII.

*Smith, bishop
of Lincoln,
his benefac-
tions.*

Dec. 31,
1513.
Godwin de
Præsul.
Angl.

*The death of
cardinal
Bambridge.
Id. et
Cavend.*

I must now go back a little, and acquaint the reader, that at a parliament held in the fourth year of this reign, there was an act made, "that all persons hereafter committing murder or felony in any church, chapel, in the king's highway, or

4.

A. D. 1512.

4 H. 8. c. 2.

WAR-
HAM,
Abp. Cant.

*The abbot of
Winchel-
comb's ser-
mon gives
occasion to
a debate
concerning
the exemp-
tion of the
clergy.*

*Keilway's
Reports,
fol. 181.*

those that should rob or murder any person in his house, &c., should not be admitted to the benefit of the clergy."

This act, though serviceable to the quiet of the kingdom, proved the occasion of a great dispute at the next parliament, held in the year 1515: for it seems the abbot of Winchelcomb had lately been so imprudent in his sermon at Paul's-Cross, as to declare that the act above-mentioned was directly contrary to the law of God, and subversive of the liberties of the Church; and that the lords spiritual and temporal who had passed the bill, had incurred the censures. And to fortify his assertion, he produced a decree, upon the authority of which citation, he affirms that all clerks, both in greater or lesser orders, were exempt from the cognizance of temporal courts in criminal causes. "For," says he, "all orders, those below a sub-deacon, as well as those above, are holy orders." Upon this, the king, at the special request of the temporal lords, and several of the house of commons, ordered the case to be solemnly argued at Blackfriars. And here we are to observe, that the judges were present at the debate. When the business came on, Henry Standish, doctor of divinity, warden of the Friars Mendicants, in London, and one of the king's spiritual council, argued thus: "that the act above-mentioned, and the prosecuting of clerks before temporal judges in criminal causes, was by no means inconsistent with the law of God, nor the liberties of holy Church. That such prosecutions being customary practice, and conformable to the laws of the kingdom, they ought not to be over-ruled. His reason was, that the public advantage was very much secured this way, and that all the laws of the world ought to be construed in favour of the general good."

On the other side, the counsel for the spirituality replied, "that there was a decree or canon directly contrary to Standish's plea, and that all Christians were bound to obey this canon, under the danger of sinning mortally. And therefore the conventing clerks before temporal judges in criminal causes, was evidently indefensible." To this Standish returns, "God forbid; for there is a decree," says he, "that all bishops should be resident at their cathedral upon every festival; and yet we see the greatest part of the English bishops practise the contrary. Besides, this decree for the exemption of clerks was never admitted in England; the contrary usage having all

along been received here, as well since, as before the making of it: now since the decree has never gained reception in England, for this reason it does not bind the subject." The counsel for the clergy, it seems, did not answer this part of the argument, but endeavoured to support the cause by saying, "that clerks were exempted by the express command of our Saviour Christ:" he endeavoured to prove his affirmation by this text, "Touch not my anointed." "Now," says he, "no custom, how general soever, can stand against this authority: for all laws and usages, which clash with the commands of God, are downright damnable; from whence it follows, that the trying clerks before temporal judges in criminal causes, is a direct contradiction to the law of God." To this Standish rejoined, "that these words, 'Touch not my anointed,' were spoken by the prophet David, above one thousand years before the incarnation, and that he could never prove our blessed Saviour had ever spoken those words." And to make the matter better understood, he added, "that the reason of king David's using this expression was, because the greatest part of the world at that time were Infidels: that upon this ground, he called those, who believed the law of Moses, and the revelation of the Old Testament, 'God's anointed;' and therefore commanded the unbelieving Gentiles not to touch or hurt these anointed." By the way, this exposition is almost as untoward as the other; however, as Keilway reports, "the clergy's counsel made no defence to that point: but as to the main, he held up the argument, and pretended himself able to baffle any person of a different sentiment." But notwithstanding this flourish, he argued faintly, when put to the proof; in-somuch that certain members of the house of commons made a motion that the bishops would order the abbot of Winchelcomb to go to St. Paul's-Cross, and there openly recant his first sermon: but the bishops refused to comply with this expedient, declaring (if this reporter is not mistaken), "that they were obliged by the laws of holy Church to maintain the abbot's opinion in every branch of it." And thus the matter rested till Michaelmas term following. In the mean time, one Dr. Horsy (as Keilway continues), chancellor to the bishop of London, convented one John Hun, of London, for suspicion of heresy, and afterwards, by virtue of his authority, committed him to the Lollard's tower, which was a prison of the bishop's court.

HENRY
VIII.*Hun prosecuted for
heresy in
the bishop of
London's
court.*

WAR-
HAM,
Abp. Cant.

at St. Paul's. There was a misunderstanding between this Dr. Horsy and Hun, upon the score of a *præmunire* brought against the doctor at Hun's suit. The occasion of the dispute was this: this Hun, a merchant tailor, in London, had a mortuary demanded of him for a child of his: the clergyman claimed the bearing-sheet, which Hun refusing to give, he was sued in the spiritual court. His counsel advised him to bring a *præmunire* against the clerk for suing the king's subjects in

Dr. Burnet's
Hist. Re-
form. part 1.
p. 14.

a foreign court. That the bishop's court was foreign, his lawyer pretended to prove because the court sat by authority from the legate. But here seems to be a double mistake; for, first, "The bishop of London, in whose court Hun was sued, had no legatine commission, but acted upon his ordinary jurisdiction; besides here were no bulls or instruments procured from the pope, or any thing made use of in the name of the see of Rome." Secondly, "If by a stretch of construction, the bishop of London should be said to be an abettor of a foreign jurisdiction, because he did not formally disclaim Wolsey's legatine authority: to this I answer, that cardinal Wolsey had the king's licence under his broad seal, to execute the functions of a legate." Thirdly, "It may be observed, that the archbishops of Canterbury have been all along styled the pope's legates from the reign of Henry I., and yet their jurisdiction was never questioned." While this suit was depending, Hun was questioned for heresy, and imprisoned: he

See the 1st
part of this
Hist.

He is found
dead in the
bishop's
prison.
A. D. 1514.
Holinshed,
p. 835, and
Dr. Burnet.

was afterwards found dead in his chamber. Dr. Horsy and the keeper affirmed he had hanged himself: but their relation being questioned, the coroner's inquest passed upon the body. This jury acquitted Hun of being "*felo de se*," and laid the murder on the officers that had the charge of the prison.

While the inquest proceeded in this trial, the bishop began a new process against Hun for other points of heresy. The 5. articles are said to have been drawn out of Wickliff's preface to the Bible. This book being in Hun's possession, passed for evidence: so that in short he was pronounced a heretic, and his body, being delivered to the sheriff, was burnt in Smithfield. Fox makes a tragical representation of this matter, and if his narrative will hold, the proceedings were very extraordinary: but to give the reader a more distinct view of the case, I shall set down the first articles objected against Hun, as they stand in Fox.

Holinshed
and Dr.
Burnet.
Ibid.

First. He is charged to have taught, published, and obstinately defended, "that the clergy had no right to demand tithes, and that the priests had nothing but their own covetousness for their title."

HENRY
VIII.
*The articles
with which
Hun was
charged
before the
bishop.*

Secondly. That he maintained and published, "that bishops and priests are the Scribes and Pharisees that crucified Christ, and condemned Him to die."

Thirdly. That he taught and maintained, "that bishops and priests preached one way, and lived another; that they minded no part of their function; that avarice and rapine were their business; and that they took every thing, and gave nothing."

A fourth article objected to him, was his "defence of the opinions of Joan Baker, above-mentioned."

Hun, in his answer, denied the opinions charged upon him, as they are couched in the articles. However, he owned his having spoken some words which might be drawn towards such a construction. For this he professed himself sorry, begged God's pardon, and submitted himself to the bishop's correction. As to the depositions concerning Hun's murder, the process of the bishop upon the dead body, the bringing the cause into the parliament-house, and the king's precept for the restitution of his goods; for proof of this, Fox vouches the records of the proceedings then in the hands of Hun's grandson. I shall now lay before the reader the account which Sir Thomas More gives of this matter; Sir Thomas More, I say, who was a person of no slender character, and lived in London, when the case happened. This gentleman, in answer to a pamphlet called the Supplication of Beggars, endeavours to take off the imputation charged upon Dr. Horsy and the bishop of London, as to the business above-mentioned.

Fox, vol. 2.

Fox, *ibid.*
p. 22.

And, first. Whereas it was objected, that provided Hun had not commenced an action of præmunire against a priest, he had neither lost his life nor been counted a heretic. To this Sir Thomas More answers, that it was well known that Hun was charged with heresy, before the præmunire was either sued or thought on; and that he began this suit to disentangle himself from the spiritual court; and for some time found his account in the expedient. For the bishop, to prevent calumny and misconstruction, ordered his prosecution to be stopped: and why so? Because Hun might be the better at leisure to make the most of his action at common

*Sir Thomas
More's
defence of
the process
in this mat-
ter.*

WAR-
HAM,
Abp. Cant.

law. Hun, therefore, going on with his suit, the king's judges declared the action would not bear; the matter in question being a mortuary; which, by the law, plainly belonged to the jurisdiction of the spiritual court. Hun being thus baffled at the common law, the bishop went on with his process, and proved the charge of erroneous doctrine against him under his own hand.

Secondly. Whereas it was said, that doctor Horsy and his officers murdered Hun in prison; the contrary, says Sir Thomas More, is well known, and that the man hanged himself out of despair, revenge, and want of grace.

Thirdly. The author of the Supplication of Beggars pretends, that doctor Horsy purchased the king's pardon for the murdering of Hun. This Sir Thomas More positively denies, and says, there was never any attempt made to procure a pardon; but that, after a considerable time, when the matter had been examined to the bottom, the king was satisfied that doctor Horsy, and those brought into trouble with him, were wrongfully charged with the murder. Upon this, when they were arraigned upon an indictment, and pleaded not guilty, he ordered the attorney-general to allow their plea, and discharge them. Sir Thomas More replies to two other objections against doctor Horsy, which, being not so material, I shall waive the recital.

More's
Works,
p. 297.
et deinceps.

To return to Keilway: the bishops (as this reporter continues) perceiving the jury intended to indict doctor Horsy and the keeper for the murder of Hun, notwithstanding their advice to the contrary; and it may be, concluding doctor Standish might have given some occasion to this matter, ordered him to appear before the convocation. And here the doctor had certain questions put to him by word of mouth.

An. 7 H. 8.
Mich. Term.
Dr. Standish
cited before
the convoca-
tion.

First, "Whether it is lawful for a temporal judge to bring any clerks before him in a court of justice," &c. Secondly, "Whether the first orders are holy orders or not." Thirdly, "Whether a constitution made by the pope and clergy is binding, in a country where the contrary practice has all along prevailed." Fourthly, "Whether a temporal prince can check the proceedings of bishops who misbehave themselves in correcting those under their jurisdiction." What answer doctor Standish made to these questions, Keilway does not inform us: but another day, as he goes on, Warham, arch-

bishop of Canterbury, delivered him a bill, or paper, in full convocation; it contained the same sense with the articles above-mentioned, and a day was assigned him to put in his answer. Dr. Standish, perceiving the convocation disaffected to him, and apprehending the consequence, applied to the king for protection. Upon this, the clergy made their excuse to the king, acquainted his majesty that they had no quarrel to the doctor, upon the score of his pleading against the abbot of Winchelcomb, and that this pretence of his was mere calumny. On the contrary, their exceptions against Standish were, certain public discourses he had made at St. Paul's, and other places, long after he had been entertained as the king's counsel: in which discourses he had positively maintained the opinions mentioned in the bill exhibited against him: That these propositions were directly contrary to the law and liberties of holy Church: adding, withal, that they were bound to endeavour the suppression of such innovations, and begging the king's assistance, pursuant to the oath at his coronation.

HENRY
VIII.

He is charged with tenets derogatory to the privilege and jurisdiction of the Church.

After this, the temporal lords and judges, at the instance of the house of commons, entreated the king to maintain his royal jurisdiction; for this, as they suggested, was likewise part of his coronation oath. To this they subjoined their request, that his majesty would be pleased to shelter doctor Standish from the malice of the clergy: for that the principal matter of their bill against him, and that which the abbot declaimed on in his sermon, were in effect the same things; and tended both to maim the jurisdiction of the temporal courts, and exempt the clergy from punishment. The king having weighed the request of either party, called doctor Vesey, the dean of his chapel, to him, and commanded him upon his faith and allegiance to declare the truth, according to the best of his knowledge, upon the following question. That is, whether the trying of clerks in criminal causes before temporal judges, is directly contrary to the law of God, and the liberties of holy Church, as the spirituality pretend. To this, after mature deliberation, doctor Vesey told the king, with all the solemnity required, that the trying of clerks before temporal judges, pursuant to the custom of England, was very consistent with the law of God and the liberties of holy Church: and here he alleged several reasons and authorities

He is abetted by the temporality.
A. D. 1515.

WAR-
HAM,
Abp. Cant.

in proof of his opinion. Soon after, the judges, the king's council, spiritual and temporal, and certain members of the parliament, were ordered by the king to meet at Blackfriars upon this matter. And here the convocation bill against doctor Standish was read. The words are these :—

He was first to answer, whether he had publicly or privately maintained the following propositions: the first was, "That the lesser orders were not holy." Secondly, "That the exemption of clerks was not 'jure divino.'" The third was, "That the laity might lawfully punish the inferior clergy, in case the prelates proved negligent." Fourthly, "That positive ecclesiastical laws are binding to none but those that receive them." Fifthly, "That the study of the canon law ought to be laid aside, because being but ministerial to divinity, it taught people to despise that nobler science." Sixthly, and lastly, "That the obligatory part of the 'decretum' might be held in a man's hand."

His answer.

These propositions being read, Dr. Standish began with his answer to the third proposition, and denied he had ever maintained it. He gave much the same answer to the fifth and sixth, as to any deliberate asserting them: however, whether he might not have said something towards that sense in conversation, he should not be positive, neither did he believe his case required it. As to the first proposition, relating to the lesser orders, he answered, "that they were holy in one respect, and not so in another." And to the second conclusion, touching the exemption of clerks, he answered, "that the summoning of them before temporal judges, implied no repugnancy to the positive laws of God." And his answer to the fourth conclusion was, "that ecclesiastical constitutions, where the practice runs against them for three hundred years, bind no where but where they are received."

To this answer, the managers for the clergy replied, "that the temporal judges could no more justify the calling their spiritual than their natural father before them; and that as the trying their natural father implies express disobedience against the fifth commandment, so the inference would hold to their spiritual parent, whose honour is secured by that precept; adding, withal, that no custom ought to be pleaded in bar of the Ten Commandments." To this, doctor Standish replied:

First. By allowing the parallel; that the temporal judge might summon both one father and the other before him, without any breach of the fifth commandment; he might do this, he said, provided he managed with discretion, and kept to a temper in the process; that is, in case they were both found guilty, if he delivered his spiritual father to the ordinary, and deferred to give sentence upon his natural: the keeping within this compass, he said, was no failure in regard to either relation.

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VIII.

Secondly. He replied, there was a disparity in the case: for supposing a judge could not justify the conventing of his spiritual father, yet it does not follow, but that he might order other clerks to be brought before him; for every clerk is not his spiritual father. He argued, further, that every command was not to be restrained to a literal sense, a latitude of interpretation being sometimes necessary. For instance, "Thou shalt not kill," "Thou shalt not steal," are parts of the decalogue, and of a moral nature. This bar notwithstanding, the Israelites both killed and spoiled the Egyptians, without violating the law. It is true, they had a warrant from God to justify this liberty. And since a breach of the moral law may be dispensed with, it would be strange if the constitutions of the Church should be wholly unalterable.

Vesey seconded Standish, and repeated the reasons he had laid before the king upon this argument. He said that, in the first ages of Christianity, all secular priests had the liberty of marrying: but that afterwards, when Austin the monk came over, there was an ecclesiastical constitution in restraint of this liberty: that because this constitution was received with us, and in other parts of the west, "we," says he, "that are English priests, live single." But then we ought to take notice, that this decree was not received in several parts of Christendom, particularly not in the east: for this reason, the priests in the Greek Church marry no less than the laity." Now if an ecclesiastical constitution may be overruled by non-reception, and the prevalence of a counter-custom, then, 'à fortiori,' the trying of clerks in temporal courts ought not to be contested. For here, besides the plea of custom, the benefit of the government is concerned in the practice. Now the common good, as has been urged already, ought to

He is
seconded
by Vesey.

WAR-
HAM,
Abp. Cant.

The judges' opinion upon the case.

have a favourable allowance, and be preferred to other considerations.

The judges, having heard the case argued on both sides, came to this resolution, that those of the convocation who awarded a citation against doctor Standish, had fallen under a præmunire. They likewise affirmed, that the king might hold a parliament with his temporal lords and commons, without the lords spiritual: their reason was, because the spiritual lords do not sit in parliament by the privilege of their spirituality, but only upon the score of their temporal estates.

Fitzherbert,
N. B.
fol. 169.
2 H. 4.
cap. 15.
Coke's In-
stit. pars 4.
fol. 25.

But here, if the reporter has dealt clearly, the resolution of the judges seem somewhat extraordinary: for, First, They pronounce the clergy guilty of a præmunire for citing Standish before the convocation, and trying him for heretical opinions, of which the bishops were evidently judges by law.

Secondly. They assert, the king may hold a parliament without the bishops, which is no less a contradiction to the English constitution; for nothing is more plain, than that the prelates have been always reckoned an essential part of the legislature. In all acts of parliament, where the subjects are mentioned, the spiritual lords are named in the first place: and in cases of blood, when the bishops were restrained by the canons from being present, the custom was to make a protestation to save their privilege: of this we have a famous instance in the time of king Richard II. In this reign, Courtney, archbishop of Canterbury, made a protestation in the name of all the bishops: it sets forth, that the lords spiritual, by virtue of their baronies, and as peers of the realm, had a right to sit, debate, vote, and give judgment with the rest of the peers in all cases and matters transacted in parliament, &c. This instrument, at the instance and petition of the archbishop and his suffragans, was read in a full

7. house, and entered upon the parliament rolls by the king's command, with the assent of the temporal lords and commons: further, we are to observe, that there were no creations by patent till the reign of king Henry III. Till this time all the temporal peers were noble in virtue of their fiefs; it was the manner of holding their land, which gave them their quality. And of this we have still an instance in Arundel castle; for whoever is owner of this castle has the dignity of

Antiq.
Britan.
p. 267.
Regist.
Courtney,
fol. 174.
Rotul. Parl.
11 Rich. 2.
N. 9.

a peer, and a right to sit in parliament. From hence it appears, that the reason the justices give for their opinion is inconclusive. They say the bishops do not sit in parliament by virtue of their character, but upon the account of their temporal possessions. That is true: but what follows? Why, the contrary of the judges' conclusion. For if the bishops sit by virtue of their temporal possessions or baronies, then, by the judges' confession, their tenures give them a right to sit: and, by consequence, they could not be denied that right, without open breach upon the constitution. But I need say no more in so plain a case. And therefore, upon the whole, as the clergy were mistaken one way, the reverend judges were no less another.

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After this debate, the lords spiritual and temporal and a great many of the house of commons, together with the justices and the king's spiritual and temporal council, were ordered by his majesty to meet at Baynard's castle: and here the cardinal of York, kneeling to the king, declared, "that he believed none of the clergy had any intention to disoblige the prerogative royal: that for his part he owed all his promotion to his highness's favour; and therefore would never assent to any thing that should lessen the rights of the crown." But then he subjoins, "that this business of conventing clerks before temporal judges was, in the opinion of the clergy, directly contrary to the laws of God, and the liberties of holy Church: that both himself and the rest of the prelates were bound by their oath to maintain this exemption: for this reason he entreated the king, in the name of the clergy, that his majesty would please to refer the decision of this point to the pope and the conclave." To this the king replied, "that he thought Dr. Standish and others of his spiritual council had given the clergy a sufficient answer." Upon this the bishop of Winchester said, "Sir, I warrant you Dr. Standish will not abide by his opinion at his peril." To this the doctor answered, "What should one poor friar do alone against all the bishops and clergy of England?" After a little pause, the archbishop of Canterbury acquainted the king in the name of the clergy, "that in ancient times several holy Fathers of the Church had opposed the common law in this matter, and some of them had carried the contest so far as to suffer martyrdom in the quarrel." On the other hand, justice Fineux replied, "that the trying clerks in temporal courts had

WASH-
HAM,
Arch. Cant.

been maintained in the reigns of several pious princes, and that many holy prelates had acquiesced under this law of the country; which, it is presumed they would never have done, had it been so contrary to the laws of God, as is now pretended. Besides, the prelates have no authority to try any clerk for felony." The archbishop answered, "they had sufficient authority for that purpose;" but brought neither precedent nor argument to support his assertion. Fineux, on the other side, rejoined, "that in case a clerk was apprehended for felony, and afterwards delivered to the ordinary by the temporal judge; you," says he, speaking to the bishops, "have no authority to try the fact: to what purpose, therefore, should he be put into your hands? In short, therefore, either a clerk must be prosecuted in the temporal courts, or otherwise there will be no way to make him suffer the law for the highest crimes."

To this, the prelates making no answer, the king spoke to this effect: "By the providence and permission of God, we are king of England, in which realm our predecessors have never owned any superior; and therefore, I would have you (meaning the clergy) take notice, that we are resolved to maintain the rights of our crown and temporal jurisdiction in as ample manner as any of our progenitors, and that with respect to the case in question. And as to your decrees, we are very well satisfied, that you depart from the literal construction in many instances, as has been sufficiently proved to you by our spiritual council. And therefore, you must not expect that we should gratify your request, any further than has been formerly done by our progenitors." Upon this the archbishop of Canterbury petitioned the king in the name of the clergy, that the matter might rest till they could send to Rome for the resolution of that court: and in case the non-exemption of clerks was consistent with the law of God, they were willing to conform to the usages of the country.

The clergy
desire this
matter may
be referred
to the court
of Rome.

How the court of Rome resolved the case is uncertain, but it does not appear that the pope interposed in the matter.

Dr. Horsy
and Dr.
Mastick are
discharged.

To return. The king made no answer to the archbishop's request: however, the motion proved serviceable to Dr. Horsy, inasmuch that his prosecution slept for some time, and he was only confined in the archbishop's house, till the noise about Hun's murder went off; and then, upon his appearing at the

King's Bench, he was discharged, as has been already related. And as for Dr. Standish, the bishops promised the king he should be dismissed from further trouble in the convocation; which was done accordingly.

HENRY
VIII.

Keilway,
ibid.

Pope Julius was now dead, and succeeded by Leo X., of the house of Medici. This pope being over-munificent, endeavoured to recover his exchequer by a plenary indulgence. These favours of the court of Rome used to be published by the Hermits; but the Dominicans being looked on as the best managers, the matter was put into their hands. These men, it seems, flourished extravagantly upon the virtue of indulgences, and told the people they would wipe out the blemish of any crime whatever: that they need not question their being happy in another world; and that as soon as the money was paid for the dead, the souls in purgatory would be immediately discharged, and mount to the regions of bliss. Martin Luther, a Hermit friar of Wittemberg, was disturbed at these abuses. He thought the people doubly cheated, and that they not only lost their money, but were in danger of suffering much further in their spiritual interest. To stop the course of this mischief, he wrote to Albert, of the house of Brandenburg, archbishop of Mentz. And here, putting this prelate in mind of his office, he entreats him to suppress the pamphlets put out for recommending the indulgences: and to order the publishers to be less mercenary and scandalous in their harangues: for unless some prevention of this kind was made use of, it was to be feared, there might be a rupture in the Church. With this letter he sent his ninety-five conclusions, upon which he had disputed at Wittemberg. In these theses, purgatory, penance, and indulgences were handled, together with some strokes of satire upon the excessive rhetoric of the Dominicans: but all this was only in a problematical way, without coming to any positive decision. And that the difficulty of the case might be the better disentangled, he invited all men of learning to come and argue the point. That those who were not at leisure should send their opinion in writing: protesting at the same time, that he pretended to determine nothing, but submitted the whole matter to the judgment of the Church: however, as to Thomas Aquinas and the other schoolmen, he had no implicit belief for such authorities; neither could he go into their

F. Paul,
Hist. of the
Council of
Trent.

A. D. 1517.
Id. et Sleidan Com-
ment, p. 1.
*Luther appears against
indulgences.*

WAR-
HAM,
Abp. Cant.

*Tecel writes
against
Luther.*

sentiment any further than they agreed with the holy Scriptures and Fathers of the Church.

A. D. 1518.
June.

*He writes a
submissive
letter to the
pope.*

The archbishop of Mentz returned no answer: but not long after John Tecel, a Dominican, of Frankfort upon the Oder, published several theses in direct opposition to Luther. In these discourses, he set forth the pope's authority and the benefit of indulgences with a great deal of elocution: and was so hardy as to compare Leo X. with the apostle St. Peter. This performance being much cried up, Luther replied in a letter to his own bishop Jerome: and afterwards sent a copy to John Stupitz, desiring him it might be conveyed to the pope. Soon after, he wrote to Leo himself. In this letter, he gives his holiness to understand, "what dangerous doctrine was advanced by his collectors, and how much they abused his authority to serve their avarice; adding, that he did not question but great complaints had been preferred against him, but he was altogether wronged. It is true he had published something to check the extravagances delivered by the collectors in their sermons, but that was only by way of information. He therefore desires his holiness not to give credit to any clamours against him. That provided the reports of his adversaries had been true, the elector of Saxony, that prudent and pious prince, would never have suffered him to live in his dominions; neither should he have received any better countenance at the university of Wittemberg. In fine, he lays his writings and his life at the pope's feet; telling him, that whatever decision shall come from his holiness, he shall look upon it as an oracle from heaven, and as if it had been pronounced by our Saviour himself: neither would he refuse to die if his holiness should think he deserved it."

*Eccius and
Prierias
publish books
against
Luther.*

Besides others, one John Eccius, a divine, published an answer to these last discourses of Luther. To this Luther, in his reply, endeavoured to prove that this Eccius had not fortified his assertions with any authorities from the holy Scriptures and Fathers; but only advanced his own fancy, countenanced with the opinions of the schoolmen. Sylvester Prierias, a Dominican, and master of the sacred palace, seconded Eccius in the dispute. He dedicated his book to the pope, set forward with a great deal of spirit, and seemed confident of success. But to proceed with greater caution, he

laid down as a kind of postulatam, that the pope was head of the whole Church, and that in matters relating to faith and religion, the see of Rome was infallible; that a council, where the pope assisted, had the same privilege; that the canon of Scripture was received upon the authority of the Church, in conjunction with the pope: that whoever refused to receive the doctrine taught by the Church of Rome, or contested the jurisdiction of that see, was undoubtedly an heretic. After he had intrenched himself under this shelter, he ventured upon the controversy.

HENRY
VIII.

To this Luther, in his answer, acquaints Sylvester, "that he admired his manner more than he understood it. But then he thought fit to follow his method so far as to lay down some grounds for his defence. And here he made the holy Scriptures his preliminary; from which he argued, that we are not to take every body's doctrine upon trust, but to prove all things, and make the Word of God the standard of our belief; and that those human writings, which keep close to the Scriptures, were only to be admitted without reserve: as to the rest, we were left at our liberty. From hence he proceeds to indulgences, and affirms, that the collectors ought not to advance any new doctrine or methods, but be governed entirely by the directions of the canon law. He proceeds to object against Prierias, that he does not bring any text of Scripture in maintenance of his position; that he rests too much upon the testimony of Thomas Aquinas; and that this doctor used to follow his own sentiment too far, without having recourse to the inspired writings: that upon this account, he could not admit the reasonings either of St. Thomas or Prierias: that he had both St. Paul and St. Austin for his warrant. He desired him likewise to consider, that it was customary among those of the long robe, to make good their pleading from the text of the law: and that in matters of religion, it was still more necessary the point should be ruled by the holy Scriptures."

He replies.

Id. p. 2. et 3.

By the way, the doctrine of indulgences had not been thoroughly examined in former ages: some looked upon them only as relaxations of discipline, and relief from canonical penance: and this was the most defensible opinion: others went further, and seemed to believe, they discharged from guilt, and were a satisfaction to the Divine justice. But how this could be done

The opinions concerning the indulgences.

WAR-
HAM,
Abp. Cant.

F. Paul,
Hist. of
the Council
of Trent.

*Luther is
cited to
Rome.*

*His cause
referred to
cardinal
Cajetan.*

Id. p. 8.

*Cardinal
Cajetan
blamed for
his rough
treatment of
Luther.*

without something by way of compensation, was not so intelligible. To furnish for this purpose, they had recourse to the treasure of the Church: that is, the merits of supererogating saints, together with those of our Saviour, they conceived might supply the defects, and atone for the misperformance of other people. Now the disposing of this treasure is supposed to be lodged with the head of the Church: and upon this foot stands the strength of the pope's indulgences.

To proceed. The controversy grew warm upon motion; and Luther always advanced to some new proposition, as occasion offered. The difference being thus widened, pope Leo cited him to Rome, and desired the duke of Saxony, in a brief, not to protect him: but being afterwards solicited that the cause might be tried in Germany, he yielded to refer it to his legate Cajetan. This cardinal had instructions, that in case he found Luther disposed to a submission, he should offer him a pardon, and encourage him with promises of preferment. And here the legate had a discretionary commission, and was left to his own conduct.

This latitude proved unfortunate to the court of Rome. For Luther being a man of no great ceremony, and managing the conference with unexpected freedom, the cardinal took check, menaced him, and bid him be gone. Upon this Luther went from Augsburg, where the conference was held, without further reply. But not long after, recollecting his behaviour, he wrote to the cardinal. And here he confessed he had managed
9. himself with too much vehemence, and promised to be more reserved for the future. He was willing, he said, to satisfy the pope, and dispute no further about indulgences, provided his adversaries might be held to the same terms. But notwithstanding this offer, it seems both parties continued to write and inflame the difference.

The court of Rome was much displeased with the cardinal's management: they blamed him for treating Luther so roughly. Whereas, on the contrary, he should have endeavoured to have won him with gentle usage, with promises of wealth and honour. He ought, they said, to have bribed him high to his duty, and tempted him with a mitre or a cardinal's hat.

This false step in Cajetan put the pope upon another unserviceable expedient. This prelate, being apprehensive the authority of his see might suffer in Germany by the present

controversy, published a bull, by way of prevention. In this instrument he sets forth the virtue of indulgences, and that himself, as vicar of Christ, had power to grant them, both for the living and dead: that this was the doctrine of the Church of Rome, of the mother and mistress of all Christians; and that her resolutions of faith ought not to be disputed. This bull was sent to cardinal Cajetan, who published it at Lints, in Austria.

HENRY
VIII.

Nov. 9,
1518.

The pope publishes a bull in defence of his authority and the indulgences.
Id. p. 8.

By this bull, Luther perceived himself lost at the court of Rome. This prospect made him sally into further freedoms, throw off all ceremony and reserve, and treat the pope in a manner upon the level. Thus much the reader may understand from his appeal. It is true, he premises, that when the pope taught the truth, he would not oppose his authority: but then he takes the liberty to add, that sin and error are incident to mankind, and that his holiness was not exempt from those common infirmities: that St. Peter's successors could not pretend a privilege above St. Peter himself: that this great Apostle failed once in his conduct, and was sharply reprimanded by St. Paul: but, for his part, he was no match for the pope: for it was easy for so wealthy and powerful a prelate to crush any private person who happened to differ from him. That in this case there was no other remedy but to retreat to a council. That here he resolved to lodge his cause, as being the last resort of justice, and the highest authority in the Church.

Luther appeals from the pope to a Council.

Id.

This appeal made a great noise, and was not without its effect. Luther, perceiving his doctrine gained ground and his party increase, advanced to new articles in his opposition, argued for the restitution of the cup, decried auricular confession, and touched upon the abuses in the monastic order.

A. D. 1519.

He advances to new articles.

Id.

The pope's authority and the received doctrine being thus directly struck at, it was thought fit to apply to stronger remedies. To this purpose, Leo published a bull, condemns forty-two articles in Luther's doctrine, prohibits the reading of his books, and orders them to be burnt. The points condemned relate to original sin, penance, and the holy eucharist; to indulgences, the power of the pope, and the authority of councils; to good works, the freedom of the will, purgatory, and poverty. All which tenets are called pernicious, scandalous, and offensive to the ears of good Christians, &c.

The pope condemns forty-two of Luther's tenets.

WAR-
HAM,
Abp. Cant.
1520,

This bull, amongst other things, was blamed for fixing so general a censure, and condemning without distinction. For the pope had not stated the quality of the propositions condemned, nor told the world which of them were only false, and which of them heretical.

*Luther
burns both
the pope's
bull and the
canon law.*

On the other side, Luther kindled in his resentments, and was resolved to make reprisals upon his holiness. Thus, when he understood his books had been burnt at the universities of Louvain and Cologne, he ventured upon a revenge of the same kind: to this purpose he drew the university of Wittemberg together, had a fire made in a public square, and threw the pope's bull and the decretals into it. This was an unusual piece of courage at that time of day: and therefore he thought himself obliged to publish a manifesto in defence of his proceedings.

Id. p. 12, 13.

I have been the longer in this recital of the matter, because these advances of Luther gave a shock to the papal authority, made the former submissions to the court of Rome questionable, and were somewhat a leading case to the English reformation. For the weight of the controversy, the public management, and several great princes in Germany declaring on Luther's side, made his writings spread through the Western Church, and many people inclined to look into them. That they were brought hither is plain, by the orders we meet with to seize and prohibit them.

And having laid this matter thus briefly together, I shall return to England, and go back a little.

*The pope
denied a
contribution
by the Eng-
lish clergy.*

The pope being upon the prospect of a war against the Turk, requires a contribution from the English clergy, desiring the king, at the same time, to countenance the affair. The clergy in convocation drew up a remonstrance against this demand: they acquainted his holiness, they were already exhausted by contributing to the war with France, and that this burden was laid upon them at the instance of Julius II. They add, further, that by a decree of the council of Constance, the pope can levy no tax upon the Church, but in case of necessity, and under the authority of a general council.

A. D. 1519.
Nov. 25.
Herbert,
p. 57.

By the tenor of this refusal, it appears, the English clergy were not altogether passive under the exactions of the court of Rome: that they had resolution enough to make a stand

upon the pope, and keep their privilege and their money, when occasion required. HENRY VIII.

Two years forward, the sweating sickness returned upon the English. It was called "sudor Anglicus," because very few, excepting the English nation, were troubled with it. The malignity of this distemper was such, that it killed within three hours after the invasion. The infection spread very wide, carried off several persons of quality and fashion: as for the common people, they were swept away to that degree, that some towns lost half, and others two-thirds of their numbers. 1517.
Sweating sickness.

The next year the pope sent his legate, cardinal Campegio, into England: his business was to procure a general alliance amongst Christian princes for a war against the Turk. This cardinal was likewise furnished with instructions to demand a tenth of the clergy: he had also powers to visit the English monasteries. In this commission, Wolsey, now cardinal and lord chancellor, was joined with him. Campegio was obligingly treated by Wolsey, who promised him his interest for the bishopric of Salisbury, when it happened to be void. Campegio, not succeeding in his demand of a tenth, acquaints the pope with the incomppliance of the clergy, and prepares for a visitation of the monasteries. Wolsey, who thought a joint commission unnecessary, and that himself was sufficiently qualified for this business, despatches doctor Clark, a civilian, to the pope, to solicit for the sole management. Clark being reinforced by the king's instructions, succeeded in the affair. Id.
Campegio sent into England to demand a tenth of the clergy.
He is refused.

Thus the cardinal's business was effectually done: and a bull was procured to make him a legate à latere. By this character, he was qualified not only to visit the monasteries, but the whole clergy of England: he had likewise an authority to dispense with the laws of the Church for a year, which term was to commence from the date of the bull. The exercise of this authority was a check upon the bishops' jurisdiction, and proved very invidious to the cardinal. Besides, it was thought he was over-rigorous in the management of this function: and that in the account of his visitation transmitted to the pope, he had laid too heavy imputations upon the monks and clergy. He was now complained of, likewise, for overstraining his figure, and being too secular and magnificent in his family: he is also censured for erecting a legate's court, and for making too Cardinal Wolsey made legate à latere.
He is blame by Polydore Virgil for overstraining his character.

WAR-
HAM,
Abp. Cant.

narrow an inquiry into conduct and manners; insomuch that scarce any miscarriage could escape without discipline, unless the parties gave a bribe for connivance: and thus, as conscience extends further than law in many cases, he was let into people's minds, and made master of their secrets. To proceed: under this pretence he had an opportunity of giving executors trouble about performing the will of the dead. By the strength of his legatine commission, he summoned all sorts of religious persons before him. These people are said to have been brought to the lowest submissions, and menaced with expulsion, to force them to compound. Further, as Polydore Virgil (who was none of his friend) continues, all Church preferment in a manner was bestowed on his favourites. Warham, archbishop of Canterbury, thinking Wolsey was too bold with his commission, and pushed his character too far, acquaints the king with it. The king, surprised at the information, sends the archbishop to Wolsey, with an order to rectify whatever might be amiss. The archbishop is said to have admonished the cardinal to act with more caution and reserve, letting him know that he concerned himself too far in testamentary matters, and assumed a power not claimed even by the pope himself: and that in disposing some benefices in the gift of the nobility, and other lay patrons, he pressed his commission too hard upon them. This friendly advice, it seems, was not well received by the cardinal: he thought the archbishop had gone too far in his suggestions, and showed himself too much a plain dealer. About this time, some abuses in sanctuaries were taken away by the king's order. This reformation was made by virtue of a bull granted for that purpose in the late reign.

1318.
16.

16.

This year the cardinal attended the queen to Oxford. And here, upon his coming into the convocation, he declared his inclination to the university, and that he designed to set up and endow some lectures there. After this, he desired he might have the liberty of making a reform in some of their statutes: that he hoped this request would be no surprise, since they had lately written to Fitz-James, bishop of London, and other prelates, to correct the inconsistencies in these regulations. The university, before they came to any resolution, consulted their chancellor, who at first refused, but afterwards gave way to their request. And thus the convocation made a

*The statutes
of the uni-
versity of
Oxford put
into the
cardinal's
hands.*

solemn decree to put their statutes into the cardinal's hands, and left the form of them entirely to his judgment. The next year, the cardinal's Greek lecture was opened at Oxford. It was the first of its kind; for what had formerly been done by Grocin this way, had no salary or public encouragement: however, it seems it was by no means relished by the majority of the scholars. One reason of their disgust was, the new pronunciation and method of teaching introduced by this Grocin and Erasmus; but ignorance and idleness seem to have made their main exception: they foresaw this lecture would bring new fatigues, and encroach upon their diversion. They went so far as to form a sort of confederacy against the Greek part of the university. And to make their animosity against this language the more remarkable, they called themselves Trojans, and assumed the names of some of the most celebrated heroes of that city: and under this distinction, they raised a body against the Grecians; insomuch that no person that was known to understand Greek, could walk the streets without being pointed at and abused. This account Sir Thomas More gives of the matter in one of his letters. But it was not long before this faction was brought off from their ignorant sallies, by the interposing of cardinal Wolsey and Sir Thomas More. The flourishing of the Greek language in Oxford, raised an emulation in the university of Cambridge, which being solicited by their chancellor and by their orator Groke, both good Grecians, began to make some progress this way.

HENRY
VIII.

1519.
*He founds
a Greek
lecture at
Oxford.*

*A faction in
the univer-
sity against
this lan-
guage.*

Wood's
Hist. and
Antiquit.
Univers.
Oxon. l. 1.
p. 245. et
deinc.

This year, as our learned historian relates, "six men and a woman were burnt at Coventry, for teaching their children the Lord's Prayer, the Ten Commandments, and the Creed, in the vulgar tongue:" for this, as he continues, was crime enough to bring them to the stake. This is a very severe charge upon the then Church of England, and therefore I hope the reverend author was misinformed. For first, it looks strangely improbable, that people should fall under the imputation and punishment of heresy, for teaching their children the Lord's Prayer, the Creed, &c., in English: I say, this looks strangely improbable, if we consider the constitutions of the English Church: for at a provincial synod held at Lambeth, under archbishop Peckham, there were several regulations made for the instruction of the people. For instance, all parochial priests were

*A severe
charge upon
the clergy
disproved.
Bp. Burnet'
Hist. Re-
form. part 1.
p. 31.*

A. D. 1281.

WAR-
HAM,
Abp. Cant.

Spelm. Con-
cil. vol. 2.
Lindwood,
l. 1. tit. 7.
11.

Harmer,
p. 37.

obliged to explain the principal articles and duties of religion four times a year, and oftener if occasion should require. The heads they were to expound upon, were these; the articles of Faith, the Ten Commandments, the two evangelical precepts of Love, &c. This instruction was to be given in plain intelligible language, without making use of the niceties and distinctions of the schoolmen: and for fear some of the curates might not be fully qualified for this performance, they have both the matter and form chalked out by the canon; where the reader may meet with a short and significant exposition upon every head and article. From a view of these constitutions, the reader may easily discover, that the bishops were not so forgetful of their people's interest, as they are sometimes represented. To which we may add, the constitutions of John de Thoresby, archbishop of York, made about the year 1360. Amongst these, we meet with an order to all the parochial clergy to preach frequently to their parishioners, and explain the Articles of Faith in the English tongue. To which we may add a remarkable exhortation to the laity, "To hear Goddy's service every Sondag with reverence and devotion, and say devoutly thy Pater Noster, &c., and hear Goddy's law taught in thy modyr tongue: for that is bettyr than to hear many massys:" and thus we see there was a provision for the instruction of the people, in both the provinces of Canterbury and York.

11. Now that the Church should take such care to teach the people, and yet make it capital to learn what was taught, is extremely incomprehensible. Were they to instruct their cures in the Lord's Prayer, the Creed, the Ten Commandments, &c., only to draw them into a snare, bring them under the censures of the Church, and lay them open to the charge of heresy! Without doubt, what the priests were bound to teach, the people were obliged to hear; and if so, what fault could it be to teach their children what themselves had learned from their pastors! Thus much as to the reasoning part. Then as to matter of fact, there seems to be a mistake. The learned historian cites Fox for his authority. But this looks like a lame story: for Fox cites no other authority than one Mother Hall. He likewise tells us, that the bishop and his officers declared these persons did not suffer for having the Lord's Prayer and the Ten Commandments in English, but

upon other articles. It is true, several abjured before bishop Longland, in the diocese of Lincoln: and six of them suffered after a relapse. But,

HENRY
VIII.

Fox, vol. 2.
p. 22. 5, 6.
A. D. 1521.

First. We are to observe, that these men were delated for reading the new Testament in English; and why was this so great a crime? because it was of Wickliff's translation, and condemned by the Church. By the way, the English clergy did not believe this translator had reached the original, and rightly expressed the mind of the Holy Ghost. To this purpose, at a synod held under archbishop Arundel, all unauthorized persons were forbidden to translate any part of the Holy Scripture into English, or any other language: and all persons were forbidden to read any such version, made either in Wickliff's time, or since, under the penalty of the greater excommunication: this prohibition was to continue till such translations should be approved by a provincial council, or the bishop of the diocese.

Spelman.
Concil. vol.
2. p. 662.

Secondly. These persons that were abjured were charged with denying the corporal presence in the sacrament of the altar, speaking against pilgrimages, and the worship of saints. These, especially the first, were trying points in those times: besides, some of these confessors in Fox, held erroneous opinions, and misbehaved themselves very much in language. One of them affirmed, "that God never made priests, for in Christ's time there were no priests." Others of them are very intemperate, not to say profane, in their expressions. For instance, some of them called the crucifix in the rood-loft "block almighty." They called a chapel "an old fair milk-house," and that a church bell was good to hang about a cow's neck." Another of them said he "threshed God Almighty out of the straw." These are strange sallies, and very different from the modesty and discretion of the ancient Christians.

Some of those prosecuted in Fox misbehave themselves.
Fox, vol. 2.
p. 33. 54.
edit. 1641.

Id. p. 41.

Id. p. 53.

That the English clergy were careful to prevent the spreading of Lollardism we need not wonder: for the Lollards struck at the fundamentals of the Church, and had very dangerous opinions both with respect to faith and property. They had likewise been abetted by a considerable faction, and the government both in Church and State had been almost overturned by them. But then prosecuting people to fire and faggot for matters of pure belief, is going much too far in the other

See 1st part
of my Ch.
Hist. for the
reign of
king Hen. 5.

WAR-
HAM,
Alp. Cant.

See my Ch.
Hist. part I.
p. 635, et
alib.

Dr. Collet's
death and
benefactions.

Whart. de
Decan.
Londinens.
Fuller's
Church
Hist. p. 167.
Polyd.
Vigil. Hist.
Angl. p. 600.

The ancient
form of
electing a
dean.

Regist.
Fitzjames,
fol. 148.

extremity. But having declared my reasons against this rigour already, I shall not repeat them.

This year, Dr. Collet, dean of St. Paul's, departed this life.

To what I have mentioned of him already in my first part, I shall add his founding Paul's school, upon which he bestowed forty-five hundred pounds. It was designed for one hundred and fifty-three poor children to be taught gratis. The management and direction of this matter was entrusted with the Mercer's company. Lilly, the famous grammarian, was the first master. This Dr. Collet was son to Sir John Collet, who had been twice lord mayor of London. The dean died of the sweating sickness, in the fifty-third year of his age. There are extant, two speeches of his made to the convocation, some "Essays upon Grammar," "Prayers for Daily Use," and an "Exhortation to a Holy Life." Polydore Vigil gives him a great character, for his learning, his talent in preaching; for his exemplary life, and engaging temper; and tells us that his founding Paul's school not only improved the Londoners, but awakened an inclination for letters, and polished the whole country. Collet was succeeded in the deanery of St. Paul's by Richard Pace. To throw in a word or two concerning the manner of the election:—Before the submission of the clergy to the supremacy of king Henry VIII., the election proceeded in this form: the choice of the dean was made by the chapter, confirmed by the bishop's vicar-general: then the dean took an oath of canonical obedience to the bishop, after which the bishop issued out his mandate to the chapter and his vicar-general for the instalment. In all which proceedings there is not the least mention of the king's nomination or authority. But after the submission of the clergy the election is charged with a new circumstance; for when Dr. Carew was made dean of St. Paul's, it is said he was chosen by the unanimous votes of the president and chapter. But then in the instrument certifying the election, we are told this was done "*regie majestatis licentia, consensu, et assensu.*" However, in the bishop's mandate to the apparitor, something of the old privilege appears; for here it is said the president and chapter applied to the bishop to confirm the election. The apparitor is likewise ordered to notify, that if any persons have any thing to object, they may come in. And lastly, there is a day pre-

fixed, when the bishop or his vicar-general will proceed either to confirm or null the election, as they shall see cause.

About two years forward the king entered the lists against Luther, and published a book in defence of the seven sacraments. Now because a royal divine, a king in controversy, is very unusual, I shall entertain the reader with part of the performance: it is dedicated to pope Leo X.

"In this address, your holiness may be surprised (says the king) to find a person bred to war and business of state, engage in a controversy of this nature, especially with a man that has spent his whole time in the improvements of learning." But notwithstanding his majesty owns himself somewhat unequally matched, yet the danger the Church was in by the spreading of heresy and schism, alarmed his zeal, and pushed him forward. That since the enemy appeared in the field, and overran the country with so much ravage and desolation, it was time to draw out against him. He was clearly of opinion, that no sincere Christian ought barely to look on, and stand neuter in the quarrel: and therefore, though his abilities were but moderate, he could not forbear engaging upon such motives. Besides, considering the circumstances of the case, he was willing to give the world a proof of his zeal for the Christian religion, and his regards to the holy see. And though his learning was but small, he hoped God would 12. govern his pen and supply that defect. However, his majesty is pleased to say, he was not altogether unprepared for the contest. For being fully persuaded, that religion is the greatest support to the crown, and the best guide in civil administration, he had spent some time in that study. And that no part of learning entertained him better: and though the length of his progress had not been great, yet he hoped himself sufficiently furnished to inform the generality, and expose the fallacies in Luther's reasoning. It was in confidence of this issue that he had undertaken this dispute: that he had dedicated to his holiness to make the performance more public and serviceable. And that as his holiness had exerted his character, and disabled the heresy by the censures of the Church; so if either the prospect of interest, or the colours of argument, had still left an impression upon any persons, they might be convinced by counter-proof, and reasoned out of their mistake. That he chose to pitch upon this method, con-

HENRY
VIII.

Regist.
King.
fol. 179, the
Little Book.
*The king
writes
against
Luther.
A. D. 1521.
His dedica-
tion to the
pope.*

WAR-
HAM,
Aly. Cant.

sidering the nature of men was such that they had rather be led, than dragged. As to his success in the attempt, he should determine nothing, but refers that matter to his holiness; to whose censure and correction he likewise submits what he had written.

To proceed to the book. And here, by the way, I do not pretend to give the reader either a full translation, or so much as an abstract of all the arguments. To go this length would be somewhat foreign to the business in hand. I shall therefore only translate some of the most remarkable passages.

The king begins with the holy eucharist, or sacrament of the altar: and here Luther pretends, that the affirming the mass to be a sacrifice was a great error. This heterodoxy he offers to disprove from the history of the institution. "Christ," says he, "in his last supper, when he instituted this sacrament and made his will, did not offer himself to God the Father, or intended an action of merit for the world; but sitting at table, he opened his will, as it were, to his disciples, and exhibited a figure of it." "This is Luther's instance," says the king, "and from hence he endeavours to evince, that there is nothing of sacrifice or oblation in the mass." To this the king replies, "that the figure does not destroy the essence of a sacrifice: that a great many sacrifices under the Mosaic law were types of future benefits, and included the force of a promise. For they promised those things for which they were performed. For besides their emblematical and prefiguring quality, they were expiations and pardons for the people that offered them: and for this reason, they were solemnly repeated every year. As to Luther's inference, that since Christ did not offer himself to God the Father at his last supper, therefore there can be no such thing as a sacrifice in the mass:" to this the king answers by parts. First, He tells Luther, "that if we must be brought to a strict imitation of our Saviour's example, and tied down to every circumstance, from hence it will follow, that those who consecrate must not receive, for we do not read that our Saviour received the sacrament himself. It is true the Fathers, and the present Church, believe our Saviour did receive this sacrament; but this concession will do Luther no service: because the testimony of the ancients and the authority of the whole Church is of no weight with this modern divine: he will yield to nothing but an express text. Now it

*Luther's
assertion of
an sacrifice
in the holy
eucharist.
Lib. Regis
Henrici
adversus
Luther,
p. 34.
This the king
endeavours
to disprove.*

is no where declared in the holy Scriptures, that our Saviour received his own body in the last supper. If he endeavours to disengage himself by affirming the priests ought to receive, because the Apostles did, and were commanded so to do, and that all succeeding priests are bound in the Apostles; from hence another difficulty will follow: for by this way of arguing, the priests will have no authority to consecrate; for the last supper was not consecrated by the Apostles, but by our Saviour himself. It is plain, therefore, that Christian priests do not only represent what our Saviour did at his last supper, but likewise what was done upon the cross. There are also some circumstances used in this sacrament, of which we have no precedent in our Saviour; or at least we do not read of any; and of this kind are some gestures and other particularities practised in the consecration. Some of which the king believes were traditionally handed down from the Apostles. Besides, there are some words in the canon of the mass supposed to be spoken by our blessed Saviour which we do not read in the holy Scriptures. For our Saviour both spoke and did a great many things unmentioned by the holy Evangelists; some of which have been preserved by uninterrupted tradition. Even Luther himself does not question these following words being spoken by our Saviour; '*Hæc quotiescunque feceritis, in mei memoriam facietis.*—As oft as you do this, do it in remembrance of me.' Now Luther is so fully persuaded of these being our Saviour's words, that he forms an argument upon them. For from hence he pretends, that the holy eucharist should be left to every person's liberty: that no body should be forced to communicate: the obligation reaching no further than that whenever they participate in this solemnity, they should do it in remembrance of our Saviour. Now where does he read this command? Not in the words of the institution: it is recorded in none of the gospels: for there we find no more than 'Do this in remembrance of me;' I desire therefore to know where he reads this sentence, 'Whensoever ye do this or these things.' Is it not in the mass? There, without doubt, and no where else. Since therefore he allows the divine authority of these words, and reasons upon them, because they occur in the canon of the mass, why should he not be governed by the same canon in other passages? Why should he not submit to the same authority, where it calls the mass a sacrifice and an

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VIII.

WAR-
HAM,
Abp. Cant.

- oblation? Since therefore by his own confession the priests do their duty in receiving what they consecrate, notwithstanding we have no Scripture proof that our Saviour began this custom—(I mention Scripture proof, because Luther refuses being concluded by any other evidence);—since therefore our Saviour is not said to have received himself in any part of the New Testament, why should Luther be surprised at the priests offering Christ to God the Father by way of representation, since this was actually done by our Saviour upon the cross; and for this we have full evidence from several places in holy Scripture! For even by Luther's way of arguing, what was done upon the cross has a plain reference to our Saviour's last will and testament in the holy supper. For Luther makes no difficulty to confess, that a testament implies the death of the testator, and has its force only from that time. Besides, the mixing water with wine in this sacrament seems to have its original from hence; that is, from the blood and water issuing from our Saviour's side upon the cross: for of this we meet with no resemblance at the last supper. Let Luther therefore forbear his trifling objections: let him not pretend that the
13. priest makes no oblation in the mass, because Christ did not offer himself at the last supper: for in this sacrament, the priest not only represents what was done by our Saviour at the last supper, but what was transacted upon the cross: I say upon the cross, where our Saviour completed what was only begun in the former solemnity."

Luther's last argument against the sacrifice in the mass stands thus: "How can the priest," says he, "offer that to God, which he receives himself? For how can we offer that which we keep to ourselves?" "This," replies the king, "is a mere sophism. To be short, did not the priests under the Mosaic dispensation partake of the sacrifices, and eat some portions of what was offered? Besides, if Christ was both priest and sacrifice, what repugnancy is there, that the priest who represents our Saviour's sacrifice should both offer and receive at the same time? Why might not these circumstances be enjoined in the institution?"

From hence the king proceeds to produce the testimonies of St. Austin, St. Ambrose, and Gregory the Great, to prove the holy eucharist a sacrifice, to which he might have added St. Cyprian, St. Chrysostom, and several others.

The king complains of Luther, because he would have the people at liberty to receive when they please, and not be tied to any solemnity of time, or revolution of the grand festivals. "Now what can be the consequence of this latitude?" says his majesty. "Does not this plainly tend to withdraw the people from the frequency of communicating, and the benefit of the institution?" And here the king takes notice, that the fervour of primitive devotion was much abated; that at first, the people communicated every day; this afterwards declined to once a week, and from thence to longer intervals: insomuch that the bishops, being afraid this sacrament should be wholly omitted, declared in their canons, that those who did not communicate thrice a year, ought not to be reckoned for Christians.

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VIII.

The king goes on to charge Luther with mistaking the notion of faith, and laying too much weight upon that virtue: "he makes us so rich in belief," says his majesty, "that we are perfect beggars in manners. And yet St. James tells us, 'that faith without works is dead.' But Luther argues, as if James 2. a man that believed could not possibly miscarry, and that nothing but incredulity can prove one's ruin." Here the king makes a tragical exclamation: "Will nothing but unbelief destroy a man for ever? What! will not adultery and murder, will not perjury and parricide damn him?"

"But Luther over-flourishes so much upon the significancy of faith, that he seems in a manner to hint as if this virtue had no need of the sacrament. For does he not assert, that the sacrament affords no benefit, and is neither sign nor conveyance of grace; and that as to the efficacy, the sacraments of the evangelical covenant are much the same with those under the law? However, in my opinion," says the king, "since Christians have that in reality, which the Jews had only in figure, it seems to follow, that the sacraments of the Church exceed those of the synagogue as much as the new law exceeds the old one; as much as the substance is better than the shadow."

Of Penance.

The next sacrament, as it is called, is that of penance: and here Luther declaims against the clergy for not instructing the people in the doctrine of faith: "they do not sufficiently incul-

WAR-
HAM,
Abp. Cant.
Lib. Regis
Henrici adv.
Luth. p. 49.

cate," says he, "a reliance upon the Divine promise, or put their charge in mind, that God has engaged to forgive a repenting sinner." To this the king answers, "Does the Church then press Judas's repentance, and drive people upon sorrow and desperation? Did Luther ever hear any curate exhort the people to address for pardon without giving them hopes of being the better for their application? What subject is more frequently preached on than the infinite mercy of God; and that whenever a sinner repents, he shall be received? Is the instance of David's pardon for adultery and murder known to nobody but Luther? Was not paradise set open to the thief upon the cross, when he had no time to retrieve his ill life, or show his sincerity in reformation? And is this history unpreached and kept as a secret from the people? If the clergy mistake in this matter, I am afraid it is sometimes by going too far in the other extreme. I wish the terror of God's justice is not sometimes forgotten, and his mercy magnified too much."

*The king
argues
against
Luther's
notion of
contrition.*

From hence the king proceeds to the parts of penance, and begins with contrition. In the first place he sets down Luther's opinion. "This friar affirms contrition a circumstance of great value and not easily attained. And here his advice is, that every body should rest entirely upon God's promise, and firmly believe their sins pardoned, and that God has acquitted them in heaven, when they are pronounced loosed upon earth. Now here he either falls in with the sentiment he condemns, or else runs himself upon an open absurdity. For God has either promised to forgive sin to those who are contrite, in proportion to the bulk of the crime, or to those who fall short of that proportion, or lastly, to those who have no contrition at all. If God has promised remission to none but the first sort, then Luther can never be sure of his being discharged; and if so what makes him press this confidence as a necessary condition? That he cannot be sure of his discharge upon his own doctrine, I prove thus: he cannot be assured of having a right to God's promise, unless he could state the just proportion of contrition, and define how much is sufficient for every sin. But nobody, I conceive, knows what degree of compunction is required for every mortal sin. 2ndly, If God has promised pardon to those who are under-contrite, and come short of the degree of the crime, then he has promised forgiveness to those who have nothing but attrition. And if so, Luther must agree with

those he is willing to fall out with. Lastly, If God has promised to extend his pardon to these who are not at all sorry for what they have done, then *à fortiori* to those who can plead attrition, that is, to those who have something of regret, though not the best for kind or degree. In short, he must come to this concession at last, that confession and absolution supply the defects of the sinner's repentance; and thus attrition may be said to be advanced to the benefit of contrition."

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From hence the king proceeds to confession.

Upon this subject he finds fault with Luther's management. His majesty thinks it unreasonable, that Luther should insist upon a public acknowledgment of notorious miscarriages, and yet seem dubious about the necessity of auricular confession. And since Luther affirms private confession cannot be proved from Scripture, the king endeavours to make out the contrary.

His first text is out of Numbers: "And the Lord spake unto Moses, saying, Speak unto the children of Israel, when a man

Numb. 5. 6.

or a woman shall commit any sin, to do a trespass against the Lord, and that person be guilty; then they shall confess their sin which they have done." To this we may add the command

He endeavours to prove auricular confession from Scripture.
Levit. 14. 2.

given to lepers of showing themselves to the priest. Now we have St. Paul's warrant for reasoning, from figures and ceremonial usages in the Law, to practice in the Gospel; and, therefore, why may not leprosy under the law, be interpreted sin under the Gospel? And since the outward blemish was to be discovered to the priests in one case, why not the inward defects in another? Further, are we not exhorted by St. James to "confess our faults one to another?" To these

1 Cor. 9. 9.

Jam. 5. 16.

texts, the king adds some authorities from the Fathers. St. Ambrose affirms, that "without confession, there is no remission of sin." St. Chrysostom speaks to the same sense; that "God's favour is not to be recovered without a previous confession." St. Austin is still more clear: "Let your repentance," says this Father, "be directed by the form practised in the Church: let no man pretend that he performs this duty privately, and makes God Almighty his confessor; for we may be assured, that the keys are no chimerical authority, and that this sentence of our Saviour, 'Whatsoever ye shall loose upon earth,' was never spoken to no purpose." To this the king subjoins,

And from the usefulness and benefit of the practice.

WAR-
HAM,
Abp. Cant.

"that if we had no authority either from Scripture, or the writings of the Fathers, to support this practice, yet considering the universality of the custom both for place and time, together with the great benefit arising from thence; these circumstances alone," continues the king, "are plain evidences to me, that it is no human invention, but stands upon the foot of a divine warrant. For what human authority could ever persuade people to discover their most secret thoughts, bring their hidden crimes into view, and throw open the retirements of their minds? Nothing less than a divine command could put people upon such penance and confession, and make them lodge such dangerous secrets with a foreign discretion. On the other side, since there are bad priests as well as good ones, since in many cases they have not the gift of secrecy, is it not a wonder they are so just to confessions? And have we not reason to conclude from hence, that God, who instituted the sacrament, guards the administration, and secures it from scandal and inconvenience?"

Luther allows women to receive confessions.

1 Cor. 14.
34, 35.

Giving absolution and receiving confessions the privilege of the priesthood.
Luke 17.
14.

In handling this argument, it seems Luther has been somewhat singular in his assertions, and given women an authority to be men's confessors. "Women," says the king, "whom the apostle does not give the liberty of teaching, or so much as speaking in the Church." From hence his majesty proceeds to show from the ancients, that confession (unless in case of necessity) is only to be made to a priest. "Let him come," says St. Austin, "to the bishops and priests with whom the power of the keys is intrusted." And elsewhere, "Let the penitent," says this Father, "declare his sorrow by his tears; let him discover his failings to the priest, and prevent the terrible sentence of the last day, by voluntary confession." And thus much we may infer from our Saviour's commanding the lepers to show themselves to the priests. His next testimony is that of Leo the Great, who tells us, that our Saviour gave the pastors of the Church an authority to state the measures, and convey the benefits of repentance to those who confess to them. Besides, what signifies confession without the advantage of absolution! But the conveyance of this blessing is lodged only with the priests: and therefore, St. Austin affirms, that whoever enters upon a course of penance, without the direction of the priest, encroaches upon the privilege of the keys.

*Of Satisfaction.*HENRY
VIII.

The king comes now to the last branch of penance, that is, satisfaction. And here his majesty charges Luther with misrepresenting the Church: Luther, for instance, had affirmed, the people were not instructed in the necessity of reforming their manners. "This," says the king, "is a notorious calumny: for what priest was ever so ignorant as to enjoin penance for former miscarriage, and at the same time give an indulgence for repetition? What priest, when he gives absolution, does not suggest these words of our blessed Saviour, 'Go and sin no more?' Who does not put his penitent in mind of St. Paul's exhortation: 'As ye have yielded your members servants unto uncleanness, and to iniquity unto iniquity, even so now yield your members servants unto righteousness and holiness.' What confessor is unacquainted with St. Gregory's description of repentance? 'To repent,' says this Father, 'is to lament our faults, and not repeat them; for he that returns to the commission of what he is sorry for, either knows nothing of repentance, or else dissembles in his compunction.'" Upon this head Luther makes a tragical invective upon the court of Rome, charges that see with depraving the doctrine of penance: that their canons and decrees were pernicious and fatal to Christendom: "for," says he, "they have made the world believe, the justice of God may be satisfied by good works, whereas the faith of a contrite heart is sufficient for this purpose." To this the king replies, that "this doctrine, these regulations of penance, are most of them the resolutions of the ancient Fathers: they are the decrees of provincial and general councils: and therefore in case they were any ways exceptionable, the court of Rome was not altogether answerable for them. 2dly, Whereas he affirms, that good works contribute nothing towards the reconciling God to a sinner: if he means, that good works without faith are insignificant to this purpose, he disputes without an adversary: for who was ever so weak as to say, that good works without faith, are not imperfect qualifications? Who does not know, that St. Paul has declared, 'that whatever is not of faith is sin?' But on the other side, if he believes works superfluous, and that faith alone is sufficient for justification, then I grant he disagrees with the Church of Rome, and with the Apostle St. James too, who

*The Church
misrepresented by
Luther in
the doctrine
of satisfaction.*

Rom. 6.

Rom. 14.

WAR-
HAM,
Abp. Cant.

James 2.
But then
Luther adds,
*Indiget
autem ut
verax in
suis pro-
missis a
nobis habeatur.*

- assures us, that 'faith without works is dead.' " The king proceeds and charges Luther directly with this assertion : " God," says this German divine, " neither wants our good works, nor regards them." To this the king answers, " I believe God does both regard our faith and our works too, though he wants the first no more than he does the latter. But because Luther's discourse seems only to drive at the necessity of reformation; and that there is no necessity of practising by a priest's direction, and submitting to penance for what is past : this being the scope of Luther's reasoning, let us hear what St. Austin prescribes. ' It is not enough,' says this Father, ' to manage well for the future and break off an ill practice, unless we do something with respect to what is past : and which way are we
15. to wipe out an old stain, and relieve the conscience against former miscarriage ? This is to be done by hearty sorrow, by deep contrition, by fasting and alms.' And elsewhere, this Father informs us, that ' the priests are said to bind, when they enjoin penance, and to loose when they relax in the discipline.' " The king concludes this article with a friendly sentence to Luther, and wishes he may practise all the parts of repentance ; that he may be contrite for his malice and misbehaviour, publicly confess his errors, and submit himself to what penance the Church shall think proper to enjoin him.

Of Confirmation.

The king proceeds to the article of confirmation. And here Luther maintains, that confirmation conveys no spiritual advantage : it has no promises of our Saviour to raise it to the dignity of a sacrament. " This," says the king, " is all naked affirmation without any manner of proof. Luther founds his argument upon the silence of Scripture in this matter : as if," says the king, " every thing that was promised, spoken, or done by our Saviour, was related by the evangelists ! By this reasoning, if only St. John's gospel was extant, he might deny the institution of the holy eucharist ; because this evangelist writes nothing concerning it : but then in the last chapter of his gospel, we are told that Jesus did many other things which were not written, and that had every thing been written, the records would have been voluminous. Some of these things," continues the king, " were related to the faithful by the

*The benefit
of confirma-
tion proved
from Scrip-
ture.*

Apostles, and delivered down from age to age ; and why should not Luther give credit to the Church in these points of tradition, since St. Austin affirms, that without the authority of the Church, we could not have known the writings of the evangelists, nor distinguished the canon from human composition. Further, if Luther will resign to nothing but a plain text, how does he believe the perpetual virginity of our Saviour's mother ? Thus Helvidius could find nothing decisive for this article in the Scripture, and therefore was so hardy as to deny it : now the way of silencing this heretic, was by alleging the faith of the Catholic Church against him. This is the bottom upon which we stand in the present argument. What if we read nothing in the New Testament concerning confirmation ? Might not our Saviour deliver this institution to the Apostles ? Or might it not be one of those supplemental informations suggested afterwards by the Holy Ghost ? concerning whose further instruction our Saviour declared, 'when the Comforter comes, who is the Spirit of truth, he shall lead you into all truth?'"

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John 16.

But that we are not without the authority of Scripture, the king endeavours to prove from the testimony of St. Jerome : "If you ask," says this Father, "why a person baptized is brought to the bishop for confirmation, why the further assistance of the Holy Ghost is principally received by this conveyance ? If this is your question, I answer, the Church has Divine authority for her practice ; for after our Lord's ascension, the Holy Ghost descended upon the Apostles, and it was from their precedent the custom began." The king fortifies St. Jerome by a plain instance in the Acts of the Apostles. "Here we are told, 'the people that were baptized in Samaria, had Peter and John sent to them for further assistance ;' and these converts, after the Apostle's hands laid on them, received the Holy Ghost."

Hierom.
adv. Luce-
feranos.
And the
testimony of
the Fathers.

Acts 8.

Of Matrimony.

This the king endeavours to prove a sacrament, from its institution in Paradise, and particularly from the words of our Saviour, "What therefore God hath joined together, let not man put asunder." From hence the king argues, that God would maintain his institution, and fortify it with supernatural

Matt. 19.

WAR-
HAM,
Abp. Cant.

assistance. But I shall translate his majesty no further upon this article.

Of Holy Orders.

*Luther's un-
sound opi-
nions con-
cerning
orders.*

In treating the subject of orders, the king takes notice, that "Luther made it his business to lessen the dignity of the priesthood, that by maiming the character of those who officiate, the holy mysteries might sink in proportion. To what purpose else does he tell us, there is no difference between laity and clergy, and that all Christians are priests alike? and that priests have no authority to administer the sacraments, but by the consent and deputation from the laity. That the sacrament of orders is nothing but a certain ceremony of choosing a preacher. That whoever does not preach, is no more a priest than the picture of a man is a man; that a priest may become a layman without degradation; and that the pretended character signifies nothing; and that orders, without preaching, are a mere jest; a whimsey of people that understand nothing of the nature of priesthood, or the administration of the word and sacraments."

*The king
argues from
the Mosaic
dispensation.*

Exod. 28.
41.

*And from
several
places in
the New
Testament.
Acts 13.*

To prove orders a sacrament, the king argues first from the Old Testament, and then reinforces his reasoning by inferring the preference of the Evangelical to the Mosaic dispensation. First. He observes, "that grace was conferred with the character of priesthood under the old law: the text is this, 'And thou shalt anoint Aaron and his sons and consecrate them, and sanctify them, that they minister to me in the priest's office.' Now to what purpose was all this ceremony, this outward sanctification, unless God had infused his Spirit, and sanctified them within? To proceed to the New Testament. In the Acts of the Apostles, Paul and Barnabas, when ordered to be separated for the work assigned by the Holy Ghost, were not dismissed till the hands of the Apostles were laid upon them. Now I desire to know," continues the king, "to what purpose they received this imposition of hands? Was it an idle ceremony without force or signification? Was there no conveyance of grace, or communication of divine assistance? Further, how can Luther affirm this sacrament unknown to the Church of Christ, since there is no division of Christendom where it is not received? How can that be called new which

was instituted by Christ, and practised by the Apostles?" But Luther objects, that none of the ancients, excepting Dionysius, call orders a sacrament. The king answers, "supposing this were true, Luther could not find his account in the allegation. For since the Fathers allowed the thing, the omission of the term signifies nothing." The king endeavours to prove orders a sacrament, by the Church's condemning reordination. "Gregory the Great speaks first: 'As a person baptized,' says he, 'ought not to be re-baptized, so neither ought he that is consecrated to be re-ordained.' Thus you see," continues the king, "that orders ought no more to be repeated than baptism: from whence we may infer the sacramental nature of this first distinction." His majesty's next testimony is St. Austin, whom he quotes in these words: "Both baptism and orders are sacraments, and conveyed by holy ceremonies; and therefore neither of them are to be given more than once. And therefore when schismatics were admitted to the Church's communion, their orders no less than their baptism were reckoned valid." The king continues to disprove Luther's assertion from the New Testament. St. Paul, in his epistle to Timothy, has these words: "Let the elders that rule well be counted worthy of double honour, especially they who labour in the word and doctrine." From hence the king argues, that notwithstanding those elders who labour in the word and doctrine deserve a preference of regard, yet those who do not do this, are allowed by the Apostle, not only to be priests, but likewise capable of ruling well, and have a just claim to double honour. For by saying, "especially those who labour in the word and doctrine," he supposes, that others who fell short in that branch of their function, had still a title to regard. And whence could this be, but upon the score of their character? To Luther's assertion, that preaching was of the essence of priesthood, the king answers in a text to the Hebrews, "Every high-priest taken from among men is ordained in things pertaining to God, that he may offer both gifts and sacrifices for sin." "Is not this," continues his majesty, "an evident declaration, that sacrificing is a branch of priesthood? Now since the Apostle wrote to the converted Hebrews, whose continuance in Judaism he by no means allows: is it not plain, I say, from this remark, that the Apostle comprehends the Evangelical no less than the Mosaic priesthood? From hence we have a double inference

HENRY
VIII.*The Fathers
alleged for
this purpose.**Further
proof from
the New
Testament.*1 Tim. 5.
17.

Heb. 5.

WAR-
HAM,
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against Luther: First, That the mass, or holy eucharist, implies a sacrifice for the people. And secondly, That the offering this sacrifice is a principal branch of the sacerdotal office."

1 Tim. 4.
14.

The king argues further from St. Paul's exhortation to St. Timothy, "Neglect not the gift that is in thee, which was given thee by prophecy, with the laying on of the hands of the presbytery." And in his second epistle to St. Timothy, the

2 Tim. 1. 6.

words are these: "Stir up the gift of God which is in thee, by the putting on of my hands." And elsewhere in the former

1 Tim. 5.
25.

epistle, "Lay hands suddenly on no man, neither be partaker of other men's sins." And the same Apostle in his epistle to Titus, writes thus, "For this cause I left thee in Crete, that thou shouldst set in order the things that are wanting, and ordain elders in every city, as I have appointed thee."

"These few texts," says the king, "are sufficient to overthrow Luther's assertions: for those he pretends were made priests by the people's consent, received their character from a bishop left in Crete for that purpose. And lest the conveyance of supernatural assistance might be made a question, we see this blessing is conferred by imposition of hands: 'Stir up,' says the Apostle, 'the gift or grace of God (τὸ χάρισμα τοῦ Θεοῦ), which is in thee by the putting on of my hands.' I wonder therefore Luther has the assurance to throw out the sacrament of orders, since St. Paul's epistles are so express for the point: for here we are plainly told, that bishops and priests must be made by a bishop: here likewise we meet with the ceremony of consecration: here we have both the outward sign and the inward spiritual grace: and this latter in such a measure too, that the consecrated person not only receives the Holy Ghost himself, but has likewise a power of communicating it to others."

Of Extreme Unction.

The king
endeavours
to prove
extreme
unction a
sacrament
from a text
in St. James.
St. James 5.
14, 15.

Lastly, the king proceeds to defend extreme unction. "To prove this application no sacrament, Luther endeavours to show the text in St. James not sufficient for this purpose: the words are these, 'Is any sick among you? Let him call for the elders of the Church, and let them pray over him, anointing him with oil in the name of the Lord. And the prayer of faith shall save the sick, and the Lord shall raise him

up, and if he have committed sins they shall be forgiven him.' These words have both external ceremony and a promise of grace; and yet Luther is so hardy as to reject the proof: he says there is nothing of sacramental force in them. But if Luther ever argued upon the verge of distraction, he does so with a witness in this place; however, let us hear him. First, says he, 'It is the opinion of a great many persons, that this epistle is not St. James's, nor becoming an apostolic spirit: however, I confess, whoever wrote it, it has gained authority by custom. But,' as Luther continues, 'if it were written by the Apostle St. James, I should make no difficulty to affirm, that it is above the commission of an Apostle to institute a sacrament. To do this is the sole prerogative of our blessed Saviour. Thus, with reference to the holy eucharist, St. Paul tells the Corinthians, "I have received of the Lord that which I also delivered unto you." These are Luther's main objections. To the first of them, 'That a great many persons thought this epistle none of St. James's, and that it had not the marks of an apostolical production:' here," says the king, "he pretends the countenance of a great many writers, but alleges not so much as a single testimony. But I shall give him an authority sufficient to determine the question, and that is St. Jerome. This Father is well known to be a great critic in this part of learning: and none of the ancients distinguished the canon from the Apocrypha with better judgment. And though he questioned the authority of one of St. Paul's epistles for some time, that is, when the Church had not every where received it: notwithstanding this uncertainty for some time, he never questioned the epistle of St. James. This he ranges in the canon without the least scruple. Now if Luther, when he denied St. James being the author of this epistle, had reckoned it to some other apostolical person, his objection had been more tolerable. But to reject it because it is written below an apostolical spirit, is strangely unaccountable. But Luther is by no means happy in being consistent, and therefore for once I shall make him confute himself.

"Now Luther, in the sacrament of orders, lays it down for a truth, that the Church has a discerning faculty given from above, by virtue of which she is enabled to distinguish the word of God from human writings. How then can he pretend this epistle unbecoming an apostolical spirit, when the

HENRY
VIII.

1 Cor. 11.

23.

*Luther
excepts
against the
canonical-
ness of this
epistle, and
pretends it
unworthy
the apostoli-
cal spirit.*

*Epistle
to the
Hebrews.*

*The king
proves the
Epistle
St. James's
by the testi-
mony of
St. Jerome.*

*This further
proved by
an inference
from Lu-
ther's prin-
ciples.*

WAR-
HAM,
Abp. Cant.

Church, whom he allows infallible in this matter, has determined the contrary? He has therefore plainly entangled himself in his own principles; and must either confess the epistle written by St. James, or else deny the infallibility of the Church in settling the canon."

The institution of the sacrament above the commission of an apostle.

His majesty goes on to Luther's second objection, and that is, supposing the epistle was St. James's, yet it exceeds the commission of an Apostle to institute a sacrament. "Here," says the king, "Luther is so hardy as plainly to outrage the

17. Apostle: he does in effect charge him with usurpation upon his Master, as if he had an ambition to encroach upon his authority, and affect an equality with him: as if he resembled the apostate angel in his presumption, who said, 'I will ascend above the heights of the clouds, I will be like the Most High.' What can be more contumelious upon the Apostle, than such an assertion as this? As to the matter in hand, I shall not dispute whether the institution of a sacrament was within the Apostle's ordinary commission: it is enough for my purpose to prove that St. James has delivered it as such. From hence we may safely conclude the Apostle was not so presumptuous as to publish that to the Church for a sacrament, which was really no such thing: and therefore if the institution of a sacrament exceeded his authority, we may conclude he delivered no more than our Saviour's instructions: our Saviour, I say, who since He has been pleased to reveal some things to us by St. Matthew, others by St. Luke, and given us still further discoveries by St. John and St. Paul;—since the case stands thus, why may we not reasonably suppose, He has likewise instructed us in something new by the Apostle St. James?

The king's reply to this objection.

"Luther," continues the king, "after this bold attack upon the Apostle, proceeds to rally the Church. He pretends the text of St. James is misapplied in extreme unction. His reason is, because it is only given to dying persons." The king replies by denying the matter of fact: he grants this anointing is not used in a slight distemper. But then he proves from the office, the patient is not supposed to be given over. For if they despaired of life, why should they put up so many prayers for the restoring of health? And therefore, though it is called extreme unction, we are not to strain upon the letter. For it is plain the Church acts upon the hope of the patient's recovery. But if Providence has otherwise disposed of the sick

person, the force of the sacrament is not disproved by this event: for the efficacy of the sacrament reaches further, and has its principal effect upon the soul. And therefore, Luther affirms too much by saying, that unless extreme unction is an infallible cure, the external sign signifies nothing, and by consequence it is no sacrament. Now what is this but to assert, that it can be no sacrament, unless it makes a man immortal? And yet this privilege, as strange as it is, Luther pretends may be gained by the strength of prayer, provided there is nothing of doubt or distrust in the application.

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VIII.

"Now," says the king, "I have sometimes wondered, what made Luther disrelish St. James's epistle: but upon reading this portion of holy Scripture, I find the reason of his dislike plain enough: for the Apostle seems to write with a prophetic spirit, as if he foresaw the character and conditions of Luther. Luther is a great contemner of good works in comparison of faith: now St. James disputes strongly against this heterodoxy: the apostle proves both from reason and Scripture, that 'faith without works is dead:' he likewise checks the intemperance of Luther's language very remarkably in these words, 'If any man amongst you seems to be religious, and bridles not his tongue, but deceives his own heart, this man's religion is vain': and elsewhere, 'the tongue is an unruly evil, full of deadly poison.'" The king cites other texts in this chapter against turbulency of temper, and a spirit of division, which he conceives bear hard upon Luther.

A conjecture upon Luther's excepting against the canonicalness of St. James's Epistle.

St. James 1.

And now we are at an end of the argument, the close and haranguing part of the book I shall pass over. As to the performance, the king seems to have the better of the controversy; and generally speaking to be much the sounder divine. Generally speaking, I say, his principles are more catholic, and his proofs more cogent. He seems superior to his adversary in the vigour and propriety of his style, in the force of his reasoning, and the learning of his citations. But then with due regard to his memory, it must be said his manner is not altogether unexceptionable: he leans too much upon his character, argues in his garter robes, and writes as it were with his sceptre. He gives rough language, sometimes treats Luther with contempt, and drives his invective pretty strong upon him. But Luther was too warm to take this usage from the greatest mortal. He thought the cause would bear him out in any

WAR-
HAM,
Abp. Cant.

See Collect.
n. 3.

Lord Her-
bert, p. 104.
See Records,
num. 4.

Dr. Powell
writes
against
Luther.

But is after-
wards exe-
cuted for
denying the
king's spi-
ritual supre-
macy.
Wood,
Hist. et
Antiquit.
Univers.
Oxon. lib. 1.
p. 247.
A. D. 1522.
May 2.
Regist.
Tonstall,
33, 34.

liberty. Instead therefore of returning a modest defence, and paying a regard to a crowned head; instead of this, he flies out into the last excesses of railing, and is extravagantly coarse and indecent: and that I may not seem to report him to disadvantage, I shall transcribe some passages of his reply.

The king's book was presented in full consistory to the pope by Dr. John Clerk, dean of Windsor, the king's ambassador. It was received with all imaginable ceremony and respect. The pope promised to satisfy the king's desire in recommending it to all Christian princes; and that it should be published with as honourable a testimony from the holy see, as ever was given to the works of St. Austin and St. Jerome. His holiness likewise assured the ambassador, that at the next consistory he would present the king with a public title. There were several additions proposed by the cardinals, as those of protector, or "Defensor Romanæ Ecclesiæ, or Sedis Apostolicæ," "Rex Apostolicus, or Orthodoxus:" at last they agreed on "Defensor Fidei." This title was drawn up in a bull, in which there is a large commendation of the king's performance: I shall insert it for the reader among the records.

The latter end of this year this pope died, not without suspicion of being taken off by poison.

To proceed, one Dr. Powell of Oxford was a second to the king in this controversy. His performance was much applauded by the university. The heads gave it a great character in their letter to the king. The tract was divided into two books: the first was entitled, "de Summo Pontifice et Eucharistiæ Sacramento;" the other, "de Sex Sacramentis." The king was extremely pleased with Powell's management, insomuch that most people thought he would quickly have been promoted to the highest stations in the Church. But, to conclude with him, he lost the king's favour by appearing strongly against the divorce, and the new supremacy. By thus crossing the court measures, he drew a storm upon himself, and was first imprisoned, and afterwards executed in Smithfield.

The next year there was a writ issued from the king to archbishop Warham to call a convocation. It was summoned to meet at St. Paul's the 20th of April: but the cardinal prevailed so far with the king, as to dissolve that convocation by his legatine authority. Upon this, he directed his mandate to

Tonstal, bishop of London, to bring the clergy of Canterbury to St. Peter's, Westminster. The mandate sets forth, they were to meet for reforming some abuses in the Church. What was done upon this head is not known, the records being lost: but reformation was not their only business; a supply for the king was proposed: and here the proportion was somewhat heavy: they were pressed to give half the full value of their livings for one year. All the relief was, they had five years for the payment. To dispose them for so large a subsidy, the cardinal enlarged upon the king's merit to the Church; how he had suppressed the schism, which had liked to have proved troublesome in pope Julius's time: how he had protected the see of Rome from the encroachments of the French: but most of his rhetoric was laid out in commendation of the king's book against Luther. He added, that since the French king was making war upon him; since he had sent the duke of Albany to Scotland to work a disturbance on that side, it was highly reasonable the clergy should exert themselves at such a juncture, and assist his majesty in proportion to his occasions: and that as the king had deserved more from the Church than all his predecessors, they ought to show themselves sensible of their happiness, to rise in their gratitude, and pay their acknowledgments accordingly.

HENRY
VIII.

*Cardinal
Wolsey
summons a
convocation.*

This motion of the cardinal's was opposed by the bishops of Winchester and Rochester. They objected, it was an uncus-
*A large sub-
sidy granted
by the clergy.*
tomary tax, and so extremely oppressive, that the clergy could not live under it: and besides, it would be drawn into precedent for after-times: and thus the burden upon the Church would be almost intolerable. But the cardinal, who designed the convocation should be exemplary in their subsidy, and lead the way to the parliament, was indefatigable in the business. And thus by getting some to be absent, and bringing over others, he prevailed at last. And to prevent so large a demand for the future, a clause was thrown in, "that it should be no precedent." In short, it was granted with a preamble, particularly respectful and acknowledging to the king. By this grant all foreigners beneficed in England, were double charged: that is, they were to pay the full of their annual revenue in five years' time. The bishops of Worcester and Landaff, Polydore Virgil, Peter the Carmelite, Erasmus of Rotterdam, Silvester

*Regist.
Tonstal,
fol. 40.*

WAR-
HAM,
Abp. Cant.

Bp. Burnet's
Hist. Re-
form, p. 21.
*Cardinal
Wolsey
makes for
the papacy,
and endea-
vours to
engage the
emperor.*

Darius, and Peter Vannes, had the benefit of an exception, and were obliged to pay no higher than the natives.

The papal chair being vacant, cardinal Wolsey employed his interest to step into it. To this purpose, he despatches Dr. Richard Pace, dean of St. Paul's, to Rome. He likewise writes to the emperor Charles to assist him in the election. "First, he gently reminds the emperor of his promise: in the next place, he suggests to his imperial majesty, how singular it would appear for him to concern himself openly in the choice of a pope. This would look like a hardship upon the usual freedoms; and as if the conclave was overruled in their choice: and thus the universal Church would suffer in the blemish of the election. He likewise acquainted the emperor, that his majesty had more important business to be carried in the conclave. Besides, if the cardinal succeeded, the emperor might depend upon his interest, and find him as serviceable as formerly: for by giving the king his master a greater weight in the balance of Christendom, the emperor would have the advantage of a more significant friendship. For the cardinal, as he continues, would always be ready to dispose the king to a good correspondence with his imperial majesty. Neither was there any ground to suspect the promotion to the popedom would alter his thoughts or his measures: his interest no less than his inclination would oblige him to constancy in this matter: for it was evident enough, that the preserving the authority of the emperor in Italy, was the only expedient to secure the peace of that country: the preserving of which the king of England desired no less than himself."

Pace had instructions to scatter some of these suggestions amongst the cardinals at Rome: and to put them in mind what advantage the Lutherans would make if a false step were taken in the election; and what heavy imputations would be laid on the court of Rome: besides, if an improper choice should be made, the divisions of Christendom would be perpetuated: for instance, if any subject or favourite to Charles or Francis were elected, the animosities between these two crowns would run higher, and the breach never be closed. He was further to suggest, that if the papacy fell to the share of an Italian, or any other unsupported person, he would not have force sufficient to guard his station and maintain his authority. That the

only way to prevent these inconveniences, was to pitch upon a person who had a powerful and well-affected prince to stand by him. And to make the most of every thing, the cardinal took care to apply under-hand to the French king, to whom he promised a neutrality at least, which was more, it seems, than this prince could expect from another pope.

HENRY
VIII.Lord Her-
bert, p. 120.

But these instructions came to nothing: for before Pace arrived at Rome, the cardinal of Tortosa, formerly tutor to the emperor Charles, was chosen pope, by the name of Adrian VI.

Adrian 6
chosen pope.

This year the emperor received the order of St. George at Nuremberg, and soon after came into England: the cardinal was sent to Dover to wait on him at his arrival: two days after, the king followed and brought him to Greenwich, from hence he made a magnificent entry into London, and was there received with the solemnity of a coronation. The cardinal officiated at St. Paul's, where, it seems, some of the principal nobility gave him the basin to wash at high mass. Wolsey is charged with intolerable pride, for suffering persons of the first quality to do this office: and in all likelihood, to prevent misconception, it had better been omitted. However, the matter is capable of a fairer construction than is generally put upon it. For the holding the basin at high mass may rather be supposed a ministration in religion, and an honour to God Almighty, than any respect to the cardinal: and if the ceremony was thus paid, why might it not be received under the same consideration?

From London, the court conveyed the emperor to Windsor, where a treaty was concluded between the two princes. By one of the articles, the emperor was to marry the princess Mary, the only surviving issue by the queen.

The war between England and France gave occasion to the grant of a tax in parliament. And here the university of Oxford being demanded their portion, they alleged an exemption, and applied to the cardinal to maintain their privilege. The cardinal acquainted the king with this plea, and succeeded in the representation.

Wood,
Hist. et
Antiquit.
Univers.
Oxon. l. 1.
p. 248.
*The death
of pope
Adrian.*
F. Paul,
Hist. of the
Council of
Trent.

Adrian, who was a prelate of great virtue and sincerity, and projected a reformation, held the see but a little while, and died about the middle of the next year.

WAR-
HAM,
Abp. Cant.

19.

*Cardinal
Wolsey
renews his
attempt to
gain the
popehood,
but miscar-
ries.*

*The cardinal
congratulates
Clement 7.*

Bp. Burnet's
Hist. Re-
form, part 1.
p. 4.

Bp. Burnet's
Records,
part 2.
book 1.
num. 48.
A. D. 1524.
September.

Cardinal Wolsey being advertised of the vacancy of the see, acquainted the king with it, letting his majesty know, that his not being at Rome was the only obstruction that could dis-appoint him in his pretensions in that dignity. He therefore begged the king, that since he had formerly thought him not unworthy of the papal chair, he would now assist him. Notwithstanding the king's concurrence, Julio de Medici was chosen pope, by the name of Clement VII. And now to make the best of the case, it was thought advisable to send instructions to the king's ambassadors at Rome to congratulate his holiness's election. Those who had a public character at that court, were Clerk, bishop of Bath and Wells; secretary Pace, and Thomas Annibal, doctor of law, and master of the rolls. These agents were ordered to request the pope, not only to continue his former disaffection to the French, but to exert himself proportionably to his station, and give public proof of his former sentiment. The cardinal likewise, by a particular despatch, desired an enlargement of his legatine commission. The pope condescended to the request; and whereas before he was only legate from five years to five years, this jurisdiction was given him now for term of life. The cardinal is charged with insincerity in this congratulation of pope Clement. It is true the compliment runs high:—"He protested his election gave great satisfaction both to the king and himself; that they never had been pleased better with any sort of success, and that he was the very person whom they wished to that greatness." But notwithstanding the ceremony of the expressions, there was not so much dissimulation in the address as has been supposed: for it appears by the instructions sent by the cardinal to the king's ambassadors, that they were to solicit the interest of the cardinal de Medicis, and that both the king and the cardinal of York desired his promotion to the papacy above any others: I say, above all others, excepting Wolsey himself. Our cardinal, likewise, in his letter, gives the ambassadors to understand how much he loved, trusted, and esteemed this cardinal de Medicis: they had orders, likewise, to recommend that cardinal to the whole college, and not to appear for Wolsey till the other had either declined, or was likely to fail in the competition.

The emperor neglecting the performance of the article re-

lating to his marrying the princess Mary, some overtures were made to Scotland upon this head. But this coming to nothing, the king offered his daughter to Francis, the French king. This proposal was well received, and a match treated. In short, it was agreed the lady Mary should be given in marriage, either to Francis himself, or to his second son the duke of Orleans. The alternative was to be determined by the two kings, who were shortly to have an interview at Calais: there were also forfeitures on both sides, in case the match did not go on: but of this more afterwards.

HENRY
VIII.A. D. 1527.
April 30.Id. part 1.
p. 37.
Ld. Herbert.

Cardinal Wolsey, who thought the revenues of the lesser monasteries might be transferred to a more serviceable use, procured the pope's bull, to dissolve forty of them. The reason of taking this large step was this: he had projected the founding a college at Ipswich, and another at Oxford, and wanted an endowment proportionable to the greatness of the design. The pope granted him two bulls for the dissolution. The first bears date, April 1524; and the second in March, the year following. These instruments, however, were charged with a proviso, that the king, and other founders of such monasteries, would give their consent. The king accordingly grants his letters patent for dissolving the houses mentioned in the pope's bull. The suppression of these monasteries gives our learned Church historian an occasion of running a great length of satire upon the insignificancy and misbehaviour of the religious: "The monks," says he, "being settled, gave themselves up to idleness and pleasure, having in their hands the chief encouragements of learning, and yet doing nothing towards it; but, on the contrary, decrying it and disparaging it all they could." This, as a learned remarker observes, is a very hard censure upon a whole order of men, who were once honourable, and always serviceable in the church.

Wolsey dissolves some lesser monasteries for the endowment of the colleges founded by him.

A. D. 1525.

Conventions Acta Publica, &c. tom. 14. p. 23. 32.

Id. part 1. p. 22. Harmer, Specimen, &c. p. 12.

As to matter of fact: when the monks were thus settled in the reign of king Edgar, to which our historian refers, they promoted a general improvement: they were very industrious in restoring learning, and retrieving the country from the remarkable ignorance of those times. Their labours were answered with success: insomuch, that whereas before scarce any secular priest could write or read a Latin epistle; the face of things was so changed by the endeavours of Dunstan and his master, Ethelwald, that in a short time learning was gene-

The memory of the monks defended against some imputations laid upon them. Elfrick, pref. ad Grammat. Saxon.

WAR-
HAM,
Abp. Cant.

rally restored, and began to flourish. From this period, the monasteries were the schools and seminaries of almost the whole clergy, both secular and regular. For the universities (if we had more than one) were then very slender societies, and the muses were confined as it were to the cloisters. As the universities grew up, the monasteries declined: however, they did not sink to any scandalous degree of ignorance, but still continued to maintain a character in learning. It is true, about the middle of the thirteenth century, the mendicant friars by their industry and mysterious management, gained the ascendant: thus both the old religious orders, and the secular clergy, lost ground. But within two hundred years these mendicants growing contemptible, the monks and the seculars began to recover their credit. And thus rising in their figure, they made a considerable progress in the restoration of learning: they bred their novices to letters: and to this purpose, every great monastery had a peculiar college in each of the universities. And even to the time of their dissolution, they maintained great numbers of children at school for the service of the Church. And a little before the reformation, many of the great monasteries were nurseries of learning: their superiors were men of distinction this way, and great promoters of their own sufficiency in others. Of this rank we may reckon Kederminster, abbot of Winchelcomb; Goldwell, prior of Canterbury; Voche, abbot of St. Austin's; Wells, prior of Ely; Holbeach, prior of Worcester; Islip, abbot of Westminster; Webbe, prior of Coventry, and many others. From hence it appears the monks deserved a fairer character than is sometimes given them. And that, in the darkest and most exceptionable ages, they were far from being enemies to learning.

Id. p. 13, 14.

*The cardinal
complained
of by the
religious.*

To proceed: the cardinal is said to have strained his legatine commission in the visitation of religious houses, in the making of abbots, the granting of faculties, &c. Whether himself or his officers, or both, were to blame, is somewhat uncertain: however, his chaplain, John Allen, doctor of law, 20. is complained on, for travelling with a numerous retinue from one monastery to another, and obliging the monks to unusual hardships and expense. This management at last grew up to a public grievance: and coming to the king's ear, the cardinal received a reprimand: who, finding the king much displeased,

made his submission, promised new conduct, acquainting the king at the same time, that he had made his will, and left the bulk to his highness. The king being satisfied with the cardinal's submission, sent him a letter all written with his own hand; which being somewhat of a curiosity, I shall transcribe it for the reader:—

HENRY
VIII.

“As touching the matter of Wilton, seeing it is in no other strain than you write of, and you being also so suddenly (with the falling sick of your servants) afraid and troubled, I marvel not that it overslipped you as it did. But it is no great matter, standing the case as it doth; for it is yet in my hand, as I perceive by your letter, and your default is not so great, seeing the election was but conditional. Wherefore, my lord seeing the humbleness of your submission, and though the case were much more heinous, I can be content for to remit it, being right glad that, according to mine intent, my monitions and warnings have been benignly and lovingly accepted on your behalf; promising you that the very affection I bear you, caused me thus to do. As touching the help of religious houses towards the building of your college, I would it were more, so it be lawfully. For my intent is none, but that it should so appear to all the world, and the occasion of all their mumbling might be secluded and put away; for surely there is great murmuring of it throughout all the realm, both good and bad. They say not, that all that is ill-gotten is bestowed upon the college, but that the college is the cloak for covering all mischiefs. This grieves me, I assure you, to hear it spoken of him whom I so entirely love. Wherefore, methought I could do no less than thus friendly to admonish you. One thing more I perceive by your own letter, which a little, methinketh, toucheth conscience, and that is, that you have received money of the exempts for having their old visiters. Surely, this can hardly be with good conscience. For, and they were good, why should you take money? And if they were ill, it were a sinful act. Howbeit, your legacy herein might, peradventure, ‘apud homines,’ be a cloak, but not ‘apud Deum.’ Wherefore you, thus monished by him who so entirely loves you, I doubt not will desist, not only from this, (if conscience will not bear it,) but from all other things which should tangle the same; and in so doing, we will sing ‘Te

*The king's
letter to the
cardinal.*

*This election
is supposed
to be the
choosing of
an abbot at
Wilton.*

WAR-
HAM,
Abp. Cant.

Ld. Herbert.
p. 174.

laudant angeli atque archangeli, te laudat omnis spiritus.' And thus an end I make of this, though rude, yet loving letter, desiring you as benevolently to take it, as I do mean it; for I insure you (and I pray you think it so) that there remains at this hour no spark of displeasure towards you in my heart. And thus fare you well, and be no more perplexed. Written with the hand of your loving sovereign and friend,
"HENRY R."

Stow's An-
nals, p. 522.
*The cardinal
defended
from the
charge of
sacrilege.*

And since the king's letter takes notice the cardinal was censured for dissolving the religious houses; and Stow seems to charge him with sacrilege, and that the founding a college was a slender defence, I shall give the reader a line or two, to take off somewhat of this imputation. First, we are to consider, that the cardinal was governed by the principles of the age, and did nothing but what was justifiable by the received doctrines. He owned the supremacy of the papal see, and maintained the privileges claimed by the court of Rome. Now, under this persuasion, he must believe the pope had an authority of transferring the lands and revenues of the Church to what uses he thought fit; and especially of turning religious houses into societies for secular priests, and for the advancement of learning. That the popes had formerly given instances of their authority in this kind. Further, since popes have sometimes given monks leave to throw off their habits, and return to the world, what should hinder them from altering a settlement, and making a small revolution in lands and tene-ments? Why should the consecration of estates go deeper, and be more irrevocable than that of persons?

Besides, if we consider the new applications, there will be no reason to charge the cardinal with sacrilege: for he did not alienate the revenues from religious service, but only made a change in the disposal; he only turned the monasteries into colleges; now every body knows these societies are expressly dedicated to the honour of God Almighty.

Further, whereas it is objected, the cardinal's precedent led the way to after-liberties, and proved fatal to the rest of the monasteries: to this it may be answered, by asking a question: did ever any body lay the imputation of sacrilege upon Wainfleet or Chicheley? Not to mention other founders of colleges. Did ever any body charge these prelates with

sacrilegious invasion, for building their colleges upon the ruins of the priors aliens, for receiving the revenues of those forfeited estates, to endow their foundations? Lastly, were not the Templars suppressed, and their lands every where seized, in the fourteenth century? And was not the dissolution of their houses countenanced by the pope himself?

HENRY
VIII.

Wood, Hist.
et Antiquit.
Univers.
Oxon. l. 2.
p. 247.

To proceed: the cardinal, having procured the king's letters-patent, went vigorously on with the building of his college in Oxford. The patent gives great commendation of the cardinal's administration, and that the weight of the government had rested upon him several years. By this patent the college was to be built upon the site of St. Freideswed's priory, (lately dissolved for that purpose,) and to be called Cardinal college. This instrument likewise gave an authority of settling two thousand pounds a year in clear revenue upon the foundation. The cardinal's plan in this benefaction was large and noble, as appears by a draught of the statutes sent to the society under his hand and seal: for the purpose, by this scheme, there were to be a dean and subdean, threescore canons of the first rank, and forty of the second, thirteen chaplains, twelve clerks, and sixteen choristers. To which we must add lecturers or professors in divinity, canon law, civil law, physic, philosophy, logic, and humanity. There were likewise four censors of manners, and examiners of the proficiency of the students. There were also three treasurers, four stewards, and twenty inferior servants: in all, a hundred and eighty-six. And lastly, there was a revenue settled for the entertainment of strangers, 21. the relief of the poor, and the keeping of horses for college business. As to the building, it was magnificent in the model, curious in the workmanship, and rich in the materials: and if the cardinal had lived to execute the design, few princes' palaces would have exceeded it. Neither would the library have been short of the nobleness of the structure: for the cardinal intended to have furnished it with the learning and curiosities of the Vatican, and transcribed the pope's manuscripts for that purpose. But this noble foundation had but four years' continuance; for in the year 1529, when the cardinal was cast in a præmunire, the design dropped, the buildings were left unfinished, and all the estate of the foundation, both real and personal, was forfeited to the king. And thus it continued in his majesty's hands, till the year 1532: in which

A. D. 1525.
*The cardinal's noble
foundation
of the college
of Christ
Church in
Oxford.*

Id. p. 249.

WAR-
HAM,
Abp. Cant.

May 10.

Id. p. 251,
252.
Fuller,
Ch. Hist.
Londini ex
Ædibus
Pynsonianis.

A. D. 1526.
Cum Pri-
vilegio
Regis.

time several manors and other branches of the revenue were snatched by the courtiers. In the year last mentioned, the king founded the college anew, with a settlement of two thousand pounds per annum. In this foundation, there was a dean and twelve secular canons. But this settlement lasted not much longer than the first; for in the year 1545, this corporation was dissolved by commission, and resigned by the dean and canons into the king's hands. About two months after, it was revived by his majesty's letters-patent; and the next year, by an instrument of the same kind, the king translated the episcopal see from Osney to this college. Thus the church of this society was made the cathedral, and the college called Christ Church. In this last foundation, there is a provision for a dean, eight canons, three public professors of divinity, of Hebrew and Greek, sixty students, eight chaplains, eight singing men, an organist, a schoolmaster, an usher, forty boys, and twenty-four almsmen.

Luther had now recollected himself, and was grown sensible of his misbehaviour towards the king of England: and therefore this year he sends the king a letter, and acknowledges his fault. In this letter, he acquaints the king, that in his late answer to his majesty, he was provoked to the manner of his writing by persons that were none of the king's friends: and that by giving way to resentment, he was pushed beyond his temper, and carried out into such offensive expressions. He owns this was done with great precipitancy and want of discretion. He begs the king's pardon, makes a low submission, and promises to write a public recantation, if the king shall please to appoint him that satisfaction. He proceeds to tell the king he heard his majesty had taken some steps towards a reformation, and wishes him a further progress. From hence he goes on to offer something in defence of his doctrine, and complains of his being condemned before hearing. But he does not show himself a person of address, nor keep his temper through the whole application: for he falls foul upon the cardinal of York; calls this favourite and prime minister, a monster, a person publicly hated by God and man, and the plague of the kingdom. Besides, he touches the king in a very sensible part, tells him he was credibly informed, that the book, *De Septem Sacramentis*, was none of the king's; but that some people, who had more cunning than conscience, had borrowed his majesty's

name; never considering the danger they ran themselves upon, by throwing such a scandal upon their sovereign. He is very coarse in this letter upon the court of Rome: and as for the emperor and those other princes of Germany, who discountenanced his doctrine, he tells the king there was no reason to be surprised at this: that it was rather a wonder there was one single prince in the interest of the Gospel. To make good this compliment upon kings, he quotes part of the second Psalm, "The kings of the earth set themselves, and the rulers take counsel together against the Lord, and against his anointed." At the close, he begs a favourable answer of the king, and subscribes with decency enough. He dates from Wittemberg, Sept. 1, 1525.

HENRY
VIII.See Records,
n. 5.

It seems this letter stuck in the conveyance, and did not come to the king's hands till a great while after the date. The king gratified Luther so far as to return him an answer, which being mostly spent upon the former controversy, I shall only take notice of some few passages. First, the king solemnly declares the book, *De Septem Sacramentis*, to be his own. As to cardinal Wolsey, of whom Luther had given so hard a character, the king commends him very highly, and attributes the successes of his reign to that prelate's administration. Amongst other exceptions to Luther's doctrine, the king cites him for this assertion, that "it was downright sacrilege and wickedness to endeavour to please God by good works, and not by faith alone.—*Sacrilegium est et impietas velle placere Deo per opera, et non per solam fidem.*" His majesty likewise cites a resembling sentence out of Luther's book, *De Captivitate Babylonica*. "*Ita vides quam dives sit homo Christianus sive baptizatus, qui etiam volens non potest perdere salutem suam quantiscunque peccatis, nisi nolit credere. Nulla enim peccata possunt eum damnare, nisi sola incredulitas.*" The king expresses some indignation, as he had reason, at these heterodoxies, and confutes him substantially from the New Testament. Some of his texts are these: St. Paul tells us, "that faith, which is acceptable to God, works by love." To this sense Gal. 5. 6. agrees the exhortation of the same Apostle to the Corinthians, "Examine yourselves whether you be in the faith; prove your own selves." "Now," says the king, "which way can this proof be made out excepting by the test of good works? Thus St. Peter tells us, that 'whoever works righteousness is accepted'" Acts 10.

In libro
adversus
Regem.2 Cor. 13.
5.

WAR-
HAM,
Abp. Cant.
1 John 3. 7.

of God.' To the same purpose St. John cautions his converts against the impostures of the Gnostics, 'Little children, let no man deceive you, he that doeth righteousness is righteous.' The king proceeds, and charges Luther with disabling the faculties of the mind, and maiming the liberty of the will to that degree, as to make the doing any thing that is good an impracticable attempt. This doctrine he is said to carry to such an excess, as to make a man a mere machine in piety and virtue; that with respect to Christian attainments the will is purely passive, and has no power even to co-operate with the grace of God. "This assertion," as the king goes on, "is one of the most pestilent heresies that ever was. Thus the justice of God is blasphemed: thus the wickedness of men is by consequence excused, thrown upon the necessity of fate, and the force of irrevocable decrees. Now if men are thus absolutely impotent and overruled, to what purpose did St. John the Baptist exhort the Jews to repentance? And why did our Saviour bid the adulteress 'go, and sin no more?'"

St. Matt. 3.
St. John 8.

The king proceeds to charge the commotions and revolts in Germany upon Luther's doctrine; stating that he had been the occasion of a great deal of rapine and disorder in the world. To conclude, as to Luther's begging his pardon, the king tells him, he was willing to give it him, upon gentler conditions than he desired: but then he expects repentance and retraction of error on Luther's part. To this purpose he exhorts him to retire from the world, to quit his engagements with the nun he had married, and spend the remainder of his life in discipline and penance.

Having observed Luther was charged with giving occasion to the civil disturbances in Germany, it may not be improper to take notice, that the boors had made several insurrections in the empire. The last year there was a rising of the peasants in Swabia; they had formed themselves into a confederacy, and engaged with the solemnity of oaths. Their pretence was to maintain the Gospel and their civil liberties. Thus they appeared in great numbers in the field, and drew out against the magistracy. Some indiscreet fanatic preachers were the incendiaries of this rebellion, amongst whom, one Thomas Munser was chief. This Munser not only opposed the doctrine of the court of Rome, but refined upon Luther himself. He complained the pope had encroached upon the liberties of

Christendom, and unreasonably hampered them in the canon law. That Luther had broken these chains, it is true; but then he had gone too great a length towards the other extreme. He had caressed the senses, and indulged the animal life too far. Munser therefore took up the reins, and drew in the compass of Luther's liberty. He preached up discipline and self-denial, and obliged his converts to gravity of countenance, seldom speaking, and long beards. He had one Fifer, who assisted him in his scheme, and was privy to his designs. This man set up for prophetic dreams, and holding intelligence with spirits. He told the boors, he had orders from heaven to bring them into the field; and that it was part of their commission to destroy the nobility. The peasants, animated by these impostures, ventured a battle, were defeated by count Mansfield, and the Landgrave of Hesse, and soon after Munser and Fifer were taken and executed.

HENRY
VIII.Sleidan
Comment.
lib. 4. et 5.

Francis I., the French king, being made prisoner at the battle of Pavia, was obliged to hard conditions for the recovery of his liberty. Among other securities for performance of articles, the emperor, Charles V., made him swear the capitulation of Madrid. But the pope being apprehensive of the emperor's greatness, sent Francis a relaxation of this oath, and founded the dispensation upon the duress the king was under. Upon this, the pope, this king, and several Italian princes entered into an alliance, and formed the Clementine league. The states of Italy engaged, were the Venetians, Sforza, duke of Milan, and the government of Florence. The emperor had the liberty of coming in if he pleased, and they offered the king of England the honour of being guarantee of the treaty. But by the advice of the council, the king declined the overture; for it was thought the liberty of his motions might be checked by concerning himself thus far.

This year Tunstal, bishop of London, sent out a monition to bring in Tyndal's translation of the New Testament. A. D. 1526.

He complains some of the Lutheran sect had unfaithfully translated the inspired writings, corrupted the purity of the holy text, and interpolated it with some of their own dangerous novelties, &c.

See Records,
n. 12.

Fox tells an odd story upon this occasion: he reports that bishop Tunstal, by the advice of one Austin Packington, a merchant, paid a considerable sum of money to this Packington,

WAR-
HAM,
Abp. Cant.

Fox, Hist.
Mart. edit.
Basil, p. 138.

*The French
ambassador
excepts
against the
legitimacy
of the prin-
cess Mary.*

Bp. Burnet's
Hist. Re-
form, part I.
p. 37.

May 6.
A. D. 1527.

Guicciar-
dini, l. 18.

Bellay.

for buying up all the copies of Tyndal's translation. The merchant, who was a private friend of Tyndal's, remits all the bishop's money to him; and now Tyndal, who lived banished in Holland, was supplied with a maintenance, and furnished for a second edition. And thus, as our martyrologist affirms, Packington cheated bishop Tunstal of his money, and Tyndal received it.

I have already observed, a match was treated between the lady Mary and the house of France: while this matter was in agitation, the bishop of Tarbe, the French ambassador, threw in some scruples about the legitimacy of the princess. He objected the king's marriage with his brother's wife: that this engagement being a breach of a divine precept, no human authority could dispense with it. Whether the starting these objections were preconcerted between the French court and ours, or between the cardinal and the ambassador, is not known. It is by some conjectured that the king or the cardinal put the French upon making this exception: for thus the king might have a colourable pretence to justify his prosecuting the divorce. For if the French received so advantageous a proposal as a match with the heir of the crown, with coolness and scruples, it was reasonable to fear, that after the king's death, other pretenders would set up a claim, and dispute her title in another manner.

This spring, Charles, duke of Bourbon, who commanded the imperial army in Italy, sent to the pope to pass his troops through his holiness's territories, into the kingdom of Naples: he likewise desired provision for his army upon paying for it. The pope refusing these demands, Bourbon marches to Rome, and attacks the town with an army of 30,000 men. This general, attempting to scale the walls, was killed with a musket shot: but the soldiers, enraged at the loss of their general, or it may be, animated with the prospect of plunder, took the town by storm, lived there at discretion six or seven days, and killed about 5000 men.

After this success, they laid siege to the castle of St. Angelo, and forced the pope and thirteen cardinals to a capitulation. By the articles 400,000 ducats were to be paid in two months to the army, and the castle of St. Angelo, Ostia, Civita Vecchia, and some other places, put into the hands of the Imperialists. And for the security of the performance, the pope and

cardinals were to remain in St. Angelo, till part of the money was paid, and hostages given for the rest. The capitulation being thus far made good, his holiness was nevertheless to continue a prisoner: he was to be removed to Gaeta, or some other place in the kingdom of Naples, and there expect the emperor's pleasure.

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Guicciardini, l. 18.

I have mentioned this revolution of the pope's fortune in Italy, because it seems to have given a great turn to the state of the English Church.

Our king, perceiving the balance of Europe was likely to be broken, and that the weight was falling into the emperor's scale, resolved to make a closer engagement with the French king. To this purpose cardinal Wolsey was despatched into France with a splendid equipage, having near a thousand horse in his train. He had instructions to form the treaty upon these three points.

Ld. Herbert.

First. To require the resolution of Francis upon the alternative of the marriage formerly mentioned.

Secondly. To agree upon measures for making a peace 23. with the emperor: and here the enlargement of Francis's children, now hostages in Spain, was to be comprehended.

The third article was, To consult upon methods for procuring the pope's liberty.

To the first, the French king answered, "That the duke of Orleans' age being nearer that of the princess Mary, the match should go on between these two."

To the second it was answered, "That Francis, for the enlargement of his children, besides other occasions, would renounce his claim in Milan."

To the third, little more was said than "That the pope should be enlarged either by mediation or force, with all expedition."

After this Francis brought the cardinal to Compeigne, from whence Wolsey gave king Henry an account of the treaty. The king being much satisfied with the cardinal's negotiation, sent him a letter under his own hand. And here he acknowledges the great service the cardinal had done his highness and the kingdom, and particularly by the treaty concluded with the French, August 18. By these articles the treaty made at London, April 30, this year, was to remain in full force. A. D. 1527.

WAR-
HAM,
Abp. Cant.

It was likewise agreed between the kings of France and England, that no general council, summoned either by the pope during his restraint, or by the emperor, should be received. To this purpose, they should prevail with the clergy of their respective dominions solemnly to protest against such an assembly of the prelates. That all orders, sentences, bulls, letters, or briefs issued and directed from the pope, during his confinement, and tending to the damage of the said kings or their subjects, and especially to the prejudice of the legatine commission of the cardinal of York, should not be obeyed, but

Ld. Herbert. declared void; and those punished upon whom they were found. That, during the pope's imprisonment, whatever decrees and regulations were made in convocation by the cardinal of York and the English prelates, relating to the Church of England, should be observed: with this proviso, that they had the king's consent for this purpose. It was likewise agreed, that Francis and the Gallican clergy should have a power of the same extent in the French king's dominions, till the pope had his liberty.

A. D. 1527. And here the lord Herbert observes, the king's fancy began of being head of the clergy; and that the first impressions of this kind were received from the cardinal: of whom likewise, this noble historian reports, the king took the hint for the dissolution of the monasteries.

Sanderus de
Schism.
Angl.

The king's scruples about his marriage began now to appear. It is said the cardinal was the first who perplexed his majesty's conscience; and that he persuaded Longland, the bishop of Lincoln, the king's confessor, to suggest these scruples to the king. It is likewise said the cardinal injected these thoughts as a revenge upon the emperor, for breaking his promise with Wolsey, and not assisting him in gaining the popedom. It must be confessed the starting this divorce was a likely way to embroil the king and the house of Austria, and bring the first into the French interest.

Cavend.
Memoirs of
Cardinal
Wolsey,
p. 97.

But Cavendish, a gentleman of the cardinal's family, and who seems to have been much in his secrets, gives another account of this matter. He reports, these scruples began upon the king's affection to Mistress Anne Bullen: that the king discovered his inclination to Wolsey; and that the cardinal, often on his knees, endeavoured to remove the king's thought, and break his fancy, but to no purpose. But what-

ever the king might declare to the cardinal, he threw his dislike of cohabiting with the queen upon motives of conscience. For, four years after this, in a letter to Simon Gryneus, he owns he had been governed by these scruples for seven years past. The reasons upon which he went, were these: "He found by the law of Moses, 'that if a man took his brother's wife, they should die childless.'" Now the king had several children by the queen, but none of them were living, but the princess Mary. This misfortune might probably make him think the marriage unblessed. Whatever his thoughts were, he set himself to study the point. Thomas Aquinas, of whose judgment he had a great opinion, decided the case against him. In short, the king, by his own inquiry, concluded the prohibited degrees of marriage in Leviticus to be of a moral and unalterable nature. From whence it follows, that Christians, no less than the Jews, are obliged by them. That though the pope could dispense with the canons of the church, he had no privilege to relax upon the divine laws; for no law can be dispensed with by any authority less than that which made it. From hence his inference was, that the present case was not within the pope's commission: that notwithstanding his holiness could dispense with the laws of the Church, yet the laws of God were above his control, because his authority must be confessed to be of a lower kind. The king is likewise said to have required the opinions of the English bishops: and that the archbishop of Canterbury was ordered to report their judgment. It is likewise said, that all the bishops, excepting Fisher of Rochester, declared under their hands and seals against the lawfulness of the marriage. But Cavendish, who we may suppose received his memoirs from Wolsey, and was living when this affair was transacted, is somewhat different in his relation. He tells us that the cardinal, being pressed by the king to declare his opinion of the marriage, did not think it safe to venture his own judgment in so weighty a business. He therefore desired leave to consult the men of learning and character in the Church.

This request being granted, he made use of his legatine authority, and issued out his mandate for a meeting of the clergy at Westminster. And here, not only the prelates, but most of the eminent persons of both universities, not to mention others, were drawn together. At this convention or

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Bp. Burnet, pt. 1, p. 33.

Levit. 20. 21.

Bp. Burnet, pt. 1, p. 38.

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HAM,
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synod, the king's case was examined and argued for several days. But the matter was so intricate and involved, that they broke up without coming to any resolution.

Cavend.
p. 98.

And thus the main point remained undecided. However, they suggested this expedient; that the king should send his agents to all universities, both at home and beyond the sea: that the case should be thoroughly debated by those learned societies; and that their decision might be brought to his majesty under the seal of every university.

Verse 5.

As to the bishop of Rochester, he was clearly against the divorce, as has been observed. This prelate, in a letter to the cardinal, seems to found his opinion upon the twenty-fifth of Deuteronomy, where, when a man died without children, his brother was to marry the widow. He lets Wolsey know he had consulted a great many casuists upon the question: that they were divided in their opinions: and that those who
24. allowed the marrying a brother's relict in some cases, seemed best supported. He argues further, that supposing the reasons "pro and con" hung in an equal balance, the authority of the pope's dispensation should cast the scale. The reader may see his opinion more at large in the "Collection of Records."

See Records,
n. 6.

Whether the instrument the bishops subscribed was a declaration of the unlawfulness of the marriage, or only their consent to debate the question.
Bp. Burnet, pt. I. p. 38.

When the bishops met to debate this question, the bishop of Rochester refused to put his hand and seal to the instrument signed by the rest. By this writing, it is reported, all the other bishops declared the marriage unlawful. But Cavendish, who was with the cardinal, as has been observed, and discoursed with some of the most eminent prelates upon that point, says positively, they came to no resolution; and tells us that the instrument signed by the prelates, was only to testify their consent to debate the question, to which the bishop of Rochester, it seems, would not agree. This is Cavendish's account of that matter. And that the bishops' subscription did not proceed so far as to declare the marriage unlawful, seems further probable from Wolsey's share in the affair. For this cardinal and Campegio were commissioned by the pope to hear the question discussed and pronounce upon the case. Now if Wolsey had already declared himself on one side, had he not been unfit to have been pitched on for a judge? But if all the bishops, excepting Rochester, had thus publicly affirmed the marriage unlawful, the cardinal being an English

bishop, must have been one of that number. It is true the king, in the lord Herbert's history, declares he had consulted all the clerks of his kingdom, and that all, excepting two, resolved the marriage unlawful. And in cardinal Wolsey's letter to Sir Gregory Cassaley, at Rome, it is said, the king applied to the most learned prelates, divines, and canon lawyers, both in his own kingdom and elsewhere, about the force of the pope's dispensation, with reference to the marriage; and that in the conclusion of the debate, many of these doctors affirmed, that the pope could not dispense in the first degree of affinity: such a relaxation being morally evil, and prohibited by the law of God. And provided the pope could relax and give any relief in this case, they unanimously agreed, such a liberty was not to be indulged, but upon the greatest and most urgent motives, which could not be pleaded in the king's behalf.

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Ld. Herbert's Hist.
p. 217.

Cotton, Lib.
Vitel. b. 9.

From the date of this letter, December the fifth, 1527, it appears the English bishops were convened about the question this year, and that some, though not all of them, had pronounced the marriage unlawful. I say not all of them, for had the king been furnished with so unanimous a resolution of the English prelates, we may imagine the cardinal, who wrote upon the king's instructions, would have made the most of this advantage in his letter to Cassaley. Before I dismiss this inquiry, I must observe, that Cavendish reports Wolsey convened the bishops a second time: "That this last meeting was, after the opinions of the universities at home and abroad had been tried, and found favourable to the king's cause: and that now it was agreed on to send the determination of the prelates of England to the pope: which, as Cavendish reports, was drawn up in an instrument soon after."

But then Cavendish is mistaken in saying the resolutions of the universities were transmitted hither, under their respective seals, before Campegio came over. For this legate arrived in England, October 1528, but the decree of Orleans, which bears the earliest date, was signed no sooner than April 1529, and the rest are dated the year after.

Cavendish,
p. 100, 101.

Bp. Burnet's
Records,
pt. 1. p. 89.

However, the king and cardinal's agents might have felt the pulse of the foreign universities, before this second meeting of the bishops. Thus Wolsey might report the advices he had received from abroad. And this representation might draw

the king
the queen
the pope

the bishops to signify their sense. But of their being unanimous in the point, Cavendish says nothing upon this occasion. And thus having cited the authorities, I shall rest the matter with the reader. The king, who, as the lord Herbert observes, was resolved to proceed in this affair, advised further with the cardinal, who told him that if the cause was tried in England, the queen would appeal from the sentence: that this business could not be decided in England, unless the pope would furnish him with a discretionary commission, and give him absolute authority "in omnibus casibus." He advised the king further, that the queen should be persuaded to retire from the world, and turn religious. And if neither of these two expedients could be brought to bear, then they might proceed to a further thought, and consider "quid possit clam fieri quoad forum conscientiarum."

To proceed. The cardinal told the king he would do well to discover his mind to Clark, bishop of Bath and Wells, then ambassador in France. This prelate being recalled, the king opening the case, told him "the bull was either of force, or good for nothing: if it is naught," says the king, "let it be so declared: but if it is good, I will never break through it." The bishop replied, that "the pope's being a prisoner, put a stop to the course of justice in that court. Besides, supposing the passage open, the motion of the process would be so slow, that seven years' time would scarcely put an end to it." He added, that "there must be three distinct sentences given in the cause, by three different judges: and further, that after all this, the judgment might be reversed: 'quia sententia contra matrimonium nunquam transit in rem judicatam.'" And lastly, he suggested, "his majesty might expect the queen would have recourse to an appeal." To this the king answered, that "in case the archbishop of Canterbury, the bishops of Rochester, Ely, and London, gave sentence against her, he believed she would not appeal. As to the tediousness of the suit, since his patience had already held out for eighteen years, he was willing to wait four or five more to bring the matter to a period." His majesty added, "that since the marriage stood upon the strength of a dispensation, the same authority might work the other way: for he knew the key that locked the door, could unlock it." Upon the whole, he thought it most advisable to send his agents to Rome: that

The king
the queen
the pope
the archbishop
the bishops
the king
the queen
the pope

the pope must be solicited to untie the knot, and give him leave to marry another.

Upon this, cardinal Wolsey writes a letter to Sir Gregory Cassaley, then at Rome: the purport of this letter was to persuade the pope to set the king at liberty. The arguments made use of to this purpose, are,

First. The opinions of several prelates and divines above-mentioned, who pronounced the marriage unlawful.

Secondly. It was represented, that the nulling of the present marriage was the only expedient to secure the quiet of the kingdom. That unless the legitimacy of the king's issue was put beyond dispute, there would be contests about the title to the crown: that when matters were less perplexed in this respect than they are now, competitions had been set up, the nation embroiled, and almost brought to ruin by a civil war: that there was a late instance of this misfortune, and that the kingdom had thus deeply suffered in the disputes between the houses of York and Lancaster.

A third reason to dispose his holiness to a dispensation was the divided condition of Christendom: that several princes had seized the keys, and encroached upon the jurisdiction of the Church: that to prevent the spreading of this mischief, and a further revolt from the see of Rome, it was necessary to apply to the safest remedy: that in case the king of England was gratified in this matter, the pope might depend on his friendship, and expect a protection from him. And to show this request was not without a precedent, it is further alleged that the emperor had been lately dispensed with in a resembling case; that this prince had sworn to marry the princess Mary: that notwithstanding the solemnity of this engagement, the pope had given him a release without the king's consent.

Now, that the king's application might be less shocking at the court of Rome, they pitched upon the smoothest methods, and moved in a manner they thought would be most agreeable. To have insisted upon the nullity of pope Julius's bull, because the matter of it was unlawful and exceeded the pope's power; to have insisted on this, I say, they knew would have been disrelished: for to set barriers to the pope's jurisdiction, and limit the plenitude of his power, was not the way to gain an interest. To condemn the bull of a former pope was a

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Id. Herbert, p. 217.
*Cardinal
Wolsey's
letter to Sir
Gregory
Cassaley
concerning
the divorce.
Reasons for
the pope's
granting a
dispensation.*

25.

Dec. 5, 1527.

Cotton, Lib.
Vitel. b. 9.

W. L. T.
E. A. L.
A. W. L. T.

dangerous precedent, especially at this time of day, when the papal authority was rejected by several princes in Germany. The cardinal, therefore, in the letter above-mentioned, goes another way to work: he makes such exceptions in Julius's dispensation, as might serve to invalidate the bull, without any prejudice to the papal power. When this point was gained, the marriage must be voided of course, and sink with the dispensation.

*False promise
of marriage
not binding.*

To this purpose it was alleged that the dispensation was granted upon false suggestions. For the purpose, that the king desired to engage in this marriage, for the continuance of a good correspondence between Henry VII. and Ferdinand and Elizabeth of Spain: whereas, in truth, there was no misunderstanding, or likelihood of any rupture between these two princes, neither was the king at that time grown up to an age for such considerations. Besides, he neither gave his consent, nor was acquainted with the procuring of the bull: he neither desired the marriage, or knew any thing concerning it till the bull was granted. The case standing thus, the letter urges that all the doctors and prelates formerly mentioned had declared the dispensation not to have force sufficient to justify the marriage. The king's protestation is likewise alleged, but this has been related already.

*Custom of
the law.*

*A. D. 1527
Bilney's
apostasy.*

This year Thomas Bilney, bachelor of law, abjured before Tunstal, bishop of London, and some other bishops, commissaries to cardinal Wolsey. The form of the abjuration runs thus:—

*Tunstal's
Record
vol. 186.*

"In the name of God. Amen. I, Thomas Bilney, priest, before you, right reverend father in God, lord Cuthbert, bishop of London, my ordinary and diocesan, and commissary to the most reverend father in God, lord Thomas, of the title of St. Cecil, priest, cardinal, archbishop of York, primate of England, chancellor of the same, of the see apostolic legate de latere: together with you reverend fathers, Henry bishop of St. Asaph, John bishop of Lincoln, and John bishop of Bath, likewise commissaries lawfully deputed: confessing and acknowledging the true catholic and apostolic faith of holy Church, intend, by the grace of God hereafter, ever to persevere and abide in the true doctrine of holy Church, and do detest and abjure all manner of heresies and articles following,

whereupon I am now defamed, noted, vehemently suspected, and convicted; that is to say, that men should pray only to God, and to no saints. Item. That Christian men ought to worship God, and no saints. Item. That Christian men ought to set up no lights before images of saints. Item. That men do not well to go on pilgrimages. Item. That man in nowise can merit by his own deeds. Item. That miracles daily showed, be wrought by the Devil by the sufferance of God. Item. That no pope has such power and authority as Peter had, except he be of like purity of life and perfection as Peter was. And in these articles, and all other, I here expressly consent unto our mother the holy Church of Rome, and apostolic doctrine of the same, and both in mouth and heart make knowledge, that whosoever hereafter doth preach, teach, or affirm any of these articles, or any other heresies, contrary to the determination of the holy Church, is worthy to be excluded from the communion of the same. And in case hereafter I do teach, preach, hold, or affirm any of these fore-said heresies, or any other, contrary to the determination of holy Church, which, by the grace of God, I intend never to do, then I shall submit myself to the correction of my ordinary, according to the holy canons: and for these, my trespasses and offences, I desire of you penance, which I promise by these holy Evangelists and contents of this book, by me bodily touched, truly to do, observe, and fulfil. In witness whereof, to this, my present abjuration, I have subscribed my name with my hand, and set to the sign of the cross."

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This Bilney afterwards returned to his former opinions, and was burned at Norwich, as appears by a marginal note of the same register. The words are these: "Iste Thomas Bilney, postea die Sabbati 31 August. 1531, combustus fuit Norvici propter heresim et relapsum in eandem."

About the same time, Thomas Arthere, bachelor of divinity, of the diocese of London, was convented before the bishops above-mentioned, and prevailed with to abjure. His abjuration differing in some points from that of Bilney, I shall mention part of it. He confesseth, "that he had erroneously and damnably, contrary to the determination of holy Church, openly preached and maintained, that a bachelor of divinity admitted in the university, or any other person having or

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knowing the gospel of God, may go forth and preach the gospel in every place, and let for no man. And if any bishop did accuse them for so doing, the cursing shall turn to the harm of themselves. And that there is neither bishop nor ordinary, nor yet the pope, that may make a law to let any man to preach the gospel. Also, that if a man be put to death as an heretic for preaching the gospel, he is not therefore a heretic, but rather a martyr."

About the same time, and before the same commissaries, one Jeoffrey Long abjured. The main of his charge was publishing and translating Luther's works, and maintaining his doctrine. And, amongst other things, affirming that faith only, without good works, is sufficient to bring a man to heaven.

Also one Thomas Gerrard, priest and master of arts, abjured before the same commissaries. His abjuration goes in the same strain, and retracts the same opinions with the last mentioned.

*Patrick
Hamilton
suffers upon
the score of
religion in
Scotland.*

This year Patrick Hamilton, abbot of Fern, suffered at the stake in Scotland. He was a person nobly descended, nephew to the earl of Arran by his father, and to the duke of Albany by his mother's side. This gentleman travelling into Germany, had made an acquaintance with Luther, Melancthon, and some other men of learning of their persuasion: and, being proselyted to their doctrine, he resolved to propagate it in his own country. Thus, upon his return, he declared against the corruptions of the Roman Church, and pointed at the errors intermixed with the ancient belief. And being a person of learning and address, a great many people hearkened to his discourses. This conduct displeased the clergy, who, upon pretence of a conference, brought him to St. Andrew's. They appointed Alexander Campbel, a friar, to keep him company, and endeavour to bring him off from his opinions. This Campbel and Hamilton had several disputes upon the controversy; and the friar granting that the Church wanted a reformation in several points, Hamilton was further confirmed in his persuasion. But having stayed some few days in town, he was seized in the night, and carried to the castle. The next day he was brought before the bishop, and charged with maintaining the articles following, which I shall give the reader in archbishop Spotswood's words:—

1. That the corruption of sin remains in children after their baptism.
2. That no man, by the power of his free-will, can do any good.
3. That no man is without sin so long as he lives.
4. That every true Christian may know himself to be in a state of grace.
5. That a man is not justified by works, but by faith only.
6. That good works make not a good man, but that a good man does good works; and that an evil man does evil works, yet the same evil works, truly repented, make not an ill man.
7. That faith, hope, and charity are so linked together, that he who has one of them has all, and that he that lacks one of them lacks all.
8. That God is the cause of sin in this sense, that he withdraws his grace from man, and that grace withdrawn, he cannot but sin.
9. That it is a devilish doctrine, to teach that by any actual penance remission of sin is purchased.
10. That auricular confession is not necessary to salvation.
11. That there is no purgatory.
12. That the holy patriarchs were in heaven before Christ's passion.
13. That the pope is antichrist, and that every priest has as much power as the pope.

HENRY
VIII.*The articles
with which
he is
charged.*

This gentleman, who was little more than three-and-twenty years of age, was a very young divine to determine upon these points. And thus we see either the heat of his temper, or his friends in Germany, led him into heterodoxy: for several of these articles are plainly no better. Being required to declare his opinion, his answer was, that he held the first seven to be unquestionably true: the rest were disputable points: however, he could not retract them till he was better informed. After some conference with him upon each article, the case was referred to the divines and canonists. Twelve of the most eminent in these faculties met together, and after two days' debate, condemned all the articles as heretical, and contrary to the faith of the Church. This censure being subscribed and delivered to the bishops, the young gentleman was pro-

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HAM,
Abp. Cant.

nounced a heretic, and put into the hands of the secular magistrate.

Spotswood's
Hist. of the
Church of
Scotland,
p. 62. et
seine.

At this meeting Gavin, archbishop of Glasgow, the bishops of Dunkell, Brechin, and Dumblane assisted, together with six abbots and priors, the dean and sub-dean of Glasgow, those of character in the university, not to mention some others. The same day, being condemned by the secular judge, he was carried to the place of execution. Before the fire was kindled the friars pressed him to renounce his errors, and to pray to the blessed Virgin. Friar Campbel, it seems, was particularly busy: Hamilton thought him a very improper person, and desired him to desist; but Campbel continuing to solicit him, Hamilton called him a wicked man, told him he had privately owned the articles for which he now suffered, made his appeal to our Saviour's tribunal, and summoned Campbel thither to answer his behaviour: in short, Hamilton suffered with great constancy and resolution; and Campbel, dying in a frenzy within less than a year, gave a reputation to the memory of the other.

Friar
Seaton sus-
pected of
heresy.

Some singu-
larities in
his doctrine.

This sanguinary rigour made a noise all over the kingdom, put people upon inquiry into the charge laid against Hamilton, and shook their belief in some measure. For instance, his tenets had made a considerable impression upon the university: insomuch that several friars began to preach against the errors and mismanagement of the clergy. Alexander Seaton, a Dominican, a person of a competent share of learning, and confessor to king James V., preached commonly at St. Andrew's, the next Lent. In his discourses, he insisted much on these points: "That the law of God is the only rule of righteousness: that if God's law be not violated, there is no sin committed: that it is not in man's power to satisfy for sin; and that the forgiveness of sin is no other ways purchased than by unfeigned repentance and true faith, apprehending the mercy of God in Christ." Thus the points are expressed by archbishop Spotswood.

Here is truth and error blended together: the two first propositions are crude and indefensible: they seem to release the conscience from the obligation of human laws, and make the authority of Church and State insignificant.

To proceed: this Seaton delivered nothing upon the sub-

jects of purgatory and pilgrimage, nothing to recommend the invocation of saints; there was no rhetoric spent upon merits and miracles. And thus declining to enlarge upon the usual matter of sermons, he was suspected to warp towards heresy. At the end of Lent he went to Dundee, and was there acquainted that one of his order was appointed to confute his doctrine in the pulpit. Upon this he returned to St. Andrew's, preached upon the same points, owned his former tenets, and ventured to add something concerning the qualifications required in a bishop.

HENRY
VIII.

27.

For some unusual freedoms in this sermon, he was brought before the archbishop, and charged with affirming, that preaching was a necessary requisite in a bishop, that a bishop, who did not preach, was a dumb dog; that such a one did not feed the flock, but his own belly. To this the friar made an over lively and evasive answer: I shall give it in the words of archbishop Spotswood. "He owns he had said indeed, that St. Paul required a bishop to be a teacher, and that Esay called them dumb dogs who did not preach, but that he himself had affirmed nothing. I declared (said he) what the Spirit of God said, with whom if men offend not, they cannot justly offend with me: and those that have reported my speeches must have been unlearned asses, who cannot put a difference betwixt that which St. Paul and Esay speak, and that which of myself I speak. I never said, that you, my lord, and the other bishops who preach not, are dumb dogs; I only told what the prophet and the apostle said in that case."

*He is con-
vented before
the bishop.*Spotswood,
p. 64.

The archbishop had no great reason to be pleased with this answer: however, knowing Seaton to be a man of stomach and resolution, he smothered his resentment, in hopes to bring him into disfavour with the king. This was done without much difficulty, because the king had formerly taken check at the friar's reproofs, who, it seems, had taken notice of the king's licentiousness with his usual liberty. But now perceiving the king's countenance cool and gloomy, and apprehending some further marks of displeasure, he retired to Berwick. From hence he informed the king in a letter of the reason of his quitting the court: that he was afraid of being delated for heresy, seized by the order of the bishops, and not permitted to make his defence. However, he offered to return, and justify his conduct, provided he might have leave to plead for himself.

*Seaton goes
off to Ber-
wick, and
from thence
to London.
He writes to
the king of
Scotland.*

WAR-
HAM,
Abp. Cant.

From hence he runs out into an invective against the prelates, charges them with encroaching upon the prince's jurisdiction, and drawing causes before them, which were foreign to their courts: in the close, he intreats his highness not to be swayed any longer by the informations of the bishops, but to exert his character, and maintain the authority given him by God Almighty. And as for himself, he was ready to answer to any charge, provided he had the promise from his highness of a safe-conduct.

Henry
Forrest
suffers for
defending
Patrick
Hamilton.

Seaton, receiving no answer to this letter, went forward to London, was chaplain to Charles, duke of Suffolk, who entertained him as long as he lived. Soon after this, one Henry Forrest was delated for saying Mr. Patrick Hamilton died a martyr. But the proof being not clear, friar Lainge was ordered to confess him. Lainge asked him what his opinion was of Patrick Hamilton: the man, being apprehensive of no danger in the question, told him, "he took him for a good man, and that the articles, for which he suffered, might easily be defended." This confession, discovered by the friar, passed for sufficient evidence, and the poor man was condemned to the stake. As they were leading him to execution, he cried out against the treachery of his confessor. He was of the order of the Bennet and Collet, as they called it; and when they went about to degrade him, he bid them "not only take their orders from him, but their baptism too." Notwithstanding the exceptionableness of this expression, he suffered with great fortitude. While they were consulting on the manner of his execution, one John Lindsey, who attended the archbishop, advised to burn him in some cellar. "For the smoke," says he, "of Master Patrick Hamilton had infected all those on whom it blew."

Id. p. 65.

Several
others are
prosecuted
for heresy in
Scotland.

The persecution still going on, several were cited to appear before James Hay at Holyrood-house: this Hay was bishop of Ross, and sat as commissary to the archbishop of St. Andrew's. James Hamilton, of Levingston, brother to Master Patrick, and Catherine his sister, were summoned with the rest. The gentleman, being privately advised by the king not to appear, was condemned for contumacy. His sister appeared, and being questioned upon the point of justification by works, answered directly, that she believed no person could be saved by their works. Master John Spence, a lawyer, who was one of the

committee upon Hamilton, held a long discourse with her upon that subject. He insisted on the distinctions of the schoolmen, and dilated upon works of congruity and works of condignity. The gentlewoman, being disturbed with the length and nicety of the argument, broke out into this expression; "Work here! work there! what kind of working is all this? I know perfectly, that no works can save me, but the works of Christ my Saviour." The king, who was present, laughed heartily at the answer; and taking the lady aside, prevailed with her to recant her opinions. Her example, it seems, had an influence upon several others, who abjured at the same time.

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Mistress
Catherine
Hamilton,
her answer.

Ibid. p. 66.

To return to England: The king resolving to press the divorce, and drive it to a point, sent doctor Knight, secretary of state, to Rome, with some instructions to prepare the pope to pitch upon the best method, and employ the properest persons to work by. At that time, three brothers of the family of Cassaley were entertained as the king's agents in Italy, both in Rome, in Venice, and in other places. Sir Gregory Cassaley was then his ordinary ambassador at Rome. To this gentleman the first despatch was directed by cardinal Wolsey: it is dated December the 5th, 1527. Some part of this letter I have mentioned already: and to come to the remaining part, "Sir Gregory Cassaley was to apply immediately to the pope, and desire his holiness, that without communicating the matter to any person, he would sign a commission for the hearing the cause in England. By this instrument, the cardinal was empowered to name what assistants he thought fit to join in the commission; and to proceed in the matter pursuant to some instructions, which were sent for the pope to sign. A dispensation was also sent in due form: and if these two instruments were passed and executed, Sir Gregory might assure the pope, that as the king had remitted a vast sum to the French king for paying his army in Italy; so he would spare no pains nor treasure to oblige the court of Rome but make war upon the emperor in Flanders with the force of his kingdom, till he brought him to the terms of enlarging the pope, and restoring the Church to its former power and dignity: and in case the pope was already set at liberty, and had made an agreement with the emperor, he was then to suggest what little reason he had to trust that prince; that prince, who had broke his faith

Cardinal
Wolsey sends
instructions
to the king's
agents at
Rome con-
cerning the
divorce.

28.

WAR-
HAM,
Abp. Cant.

so often, and made it his business to depress the interest of the Church: and if the pope should make an objection against Wolsey; if he should mention his being the king's subject and prime minister; that upon these considerations there lay presumptions against his indifferency; and that it was not prudential to grant a commission to this cardinal to try his master's case;—if this exception was made, Cassaley was by all means to get over it, and assure the pope, that Wolsey would proceed in the cause with all the fairness and sincerity imaginable. But, after all, if the pope was not to be removed, nor prevailed with to sign the commission for Wolsey, Cassaley's next step was to propose Staphileus, dean of the Rota, who was then in England; and if his holiness happened to mention any other foreigners, Cassaley was ordered to refuse the proposal. He was also to acquaint the pope, that the king would interpret a delay to a denial; and if his holiness inclined to consult any of the cardinals upon the point, he was to dissuade him as much as might be: but if the pope would needs take advice, then Cassaley was to address these cardinals, to inform them of the justice of the king's cause, and tie them to his interest, by the promise of an acknowledgment.

Cotton.
Libr. Vitel.
b. 9.

“With this despatch, letters were sent to cardinal Pucci, sanctorum quatuor, and the other cardinals, to be made use of as occasion required: and because money was thought very welcome to persons under duress, 10,000 ducats were sent to Venice, to be distributed as Sir Gregory thought fit. He was likewise commissioned to make further promises, if he thought it necessary: and particular instructions were given to engage the cardinal datary.”

Dec. 9.
1527.

Secretary Knight had the same instructions with Sir Gregory Cassaley: they were ordered to proceed by concert, and each of them to do their utmost. The pope had now made his escape out of the castle of St. Angelo, and was got to Orvieto. Here about the end of December, the secretary and the ambassador Cassaley waited upon his holiness, and congratulated his liberty in the name of the king and cardinal: and here insisting upon the business they had in charge, the pope seemed disposed to give the king satisfaction: and when they desired an authority to try the cause in England, he did not refuse the expedient; but told them withal, that being not practised in the form

of drawing up commissions, he would consult the cardinal HENRY
VIII.
sanctorum quatuor, and quickly acquaint them with his resolution.

Upon this, the king's agents, perceiving how much the pope depended upon the cardinal sanctorum's advice, went immediately to him, delivered the king's letters, requested his favour, and gave him an expectation of being gratified.

After this preparatory discourse, they produced the commission. He excepted against several clauses in this instrument, and pretended it could not pass in that form, without great reflection upon the king, the pope, and the cardinal of York. Upon this, they desired him to draw the minutes of a new form, which he did accordingly. This instrument being endorsed, the pope told them, that when he was prisoner in the castle of St. Angelo, the general of the Observants in Spain required him from the emperor, not to pass any act that might be preparative to a divorce between the king and queen, or any ways relate to that business. This religious likewise desired an inhibition, that the cause should not be tried before any judge in the king's dominions. The pope added, that though he moved with more freedom than formerly, yet he could not look upon himself as perfectly enlarged, as long as the Allemaings and the Spaniards were so powerful in Italy. And he was perfectly of opinion, that by granting this commission, he must come to an open rupture with the emperor, without any hopes of closing the breach. However, he would rather run the utmost risk, and venture upon apparent ruin, than that the king or the cardinal should have any colour to charge him with ingratitude. Upon this he puts the commission and the dispensation signed into secretary Knight's hands: desiring them both at the same time to beg the king to have a little patience, to continue his former friendship, and not precipitate him beyond recovery: which would certainly follow, if his majesty should act upon the instruments, and begin the process upon receiving the commission.

Cardinal Pucci procures a commission to try the cause, and a dispensation from the pope.

The pope desires the king not to make use of these authorities for some time.

His holiness desired a little time, to prevent misconstruction, and preserve the character of a man of integrity. He told them, Lautrec the French general would quickly march up to him: that at the arrival of the French forces, he should have an opportunity of saving appearances, and satisfying the king; for then he designed to acquaint M. De Lautrec, that

WAR-
HAM,
Abp. Cant.

*His reasons
for this re-
quest.*

the English ambassador had pressed for the commission above-mentioned: and that he refused to grant it, in regard of his promise to the emperor's agent: that upon this, Monsieur De Lautrec obliged him to yield; representing that such a commission was nothing more than bare justice. By this compulsion, as it were, he hoped to screen himself from censure; for under these circumstances, it would not appear he disobliged the emperor out of inclination; but that being pressed upon the point of justice, and by such powerful solicitors, he could do no less than give way. And at last, he promises to despatch another commission to the king of England, bearing date after the time he had been over-awed by Lautrec's army. To conclude, he entreats the king would let the matter rest, till this instrument came to him, which he supposed would shortly happen. However, secretary Knight, perceiving the pope's finesse, and not willing to trust to uncertainties, made haste for England, and brought the commission and dispensation along with him.

Dr. Knight's
Letter to
Cardinal
Wolsey.
See Cotton,
Libr. Vitell.
b. 10.
Jan. 1. 1528.

*The year at
Rome began
the first of
January.*

*The purport
of the dis-
pensation.*

Cotton,
Libr. ibid.

*The diffi-
culty of the
pope's cir-
cumstances.*

29. in a manner blocked up, and in great perplexity: and that if his majesty should act upon the commission in this juncture, his holiness would be utterly undone: and that at present he was endeavouring to persuade the French general to march towards Rome.

Ibid.

*The commis-
sion brought
over by
Gambara.*

Secretary Knight falling under ill health, and not being in a condition to travel, sent the prothonotary Gambara with the commission and dispensation to England, and followed in easy journeys. The persons delegated to try the cause by a com-

mission, were the cardinals Campegio and Wolsey: and as to the powers, it may not be improper to examine them in a word or two. The cardinals above-mentioned are styled the pope's legates de latere; and have a full authority granted them, to hear and determine a cause in a summary way, without going through all the lengths and forms of law: and these powers are given them, with a "non obstante" to all general councils, apostolical constitutions, and decrees whatsoever to the contrary: and to give further strength to this instrument, the pope signed a pollicitation, about a month after, to confirm the sentence of the legates, provided they pursued the tenour of their commission: to which he added a protestation, never to retract what was done, upon any colour, motive, or compulsion whatever.

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VIII.

See Records,
num. 7.

Lord Her-
bert, p. 221.

It is said the pope resigned himself entirely to the delegates' discretion; and that, let them proceed as they thought fit in England, he should confirm their sentence. But notwithstanding the categorical strain of the commission, which was no more than a customary form, it is pretty evident from John Cassaley's letter to cardinal Wolsey, that the pope did not deliver up his authority to the cardinal delegates without reservation, nor put himself absolutely in their power. For, in his discourse with John Cassaley, he tells him, that if the king and Wolsey had a mind to dismiss Campegio, upon pretence that they designed to proceed no further in the hearing; in this case, says he, let them bring it to what issue they please, supposing they do not make use of my authority to do any thing unjust: and after some other discourse, he declares himself ready to confirm the legate's sentence, provided the allegations were proved in court: and whereas it is affirmed, he pope confessed a treaty on foot between the emperor and himself, but denied that he had bound himself by it as to the king's business; this letter on the contrary makes him say, that he knew nothing of the matter, or had any concern in it.

The pope not absolutely tied by the sentence of the delegates.
Bp. Burnet, pt. 1. p. 59.

Cotton,
Libr. Vitel.
b. 10.

Ibid. et
Bp. Burnet,
pt. 1. p. 59.
and Col-
lections,
book 2.
p. 43, 44, 45.

The pope, notwithstanding the authorities consigned into the king's hands, was willing, as has been observed, to lie under covert. To this purpose, he orders Sir Gregory Cassaley to send directions to the English court, touching the management of the matter. By this letter we are informed, that "the pope was willing to comply with the king's desire; and that the proceedings might be more unexceptionable, his holiness

The pope privately suggests an expedient to the king.

WAR-
HAM,
Abp. Cant.

had consulted the cardinals Quatuor Sanctorum and Simonetta; that in their opinion, the safest method would be, to keep the powers, transmitted from Rome to England, secret; that the king's best way would be, to refer the decision to the cardinal of York, who might justify his proceedings, either upon the score of the commission sent by secretary Knight, or else by virtue of his legatine character: and here the king, being most acquainted with the condition of his own conscience, must be the best casuist in that respect. If, therefore, his highness is satisfied in the matter, let him order the cardinal of York to proceed to sentence: let him marry another wife; and then apply to the conclave to despatch a legate, to confirm the matter. For," as the letter goes on, "it was clearly the opinion of the cardinals Sanctorum and Simonetta, that if the queen was summoned into the court, she would only protest against the indifferency of the place and judges: upon which, the emperor would press the pope for an inhibition to stop the cause. By virtue of which instrument, the king would be disabled from marrying elsewhere: and in case he should break through the order, the issue would be illegitimate; at least, till judgment was given on his highness's side: and further, the imperialists would insist upon a commission to try the cause at Rome. Now, if the pope was pressed upon these points, he could neither deny the one instrument nor the other, unless undue methods and mere violence were made use of in the demand. On the other hand, if the king proceeds quickly to a second marriage, the emperor cannot reasonably insist upon the instruments above-mentioned: and, if he does, the pope can fairly deny him: and in case the emperor objects against Wolsey and the other cardinal, and moves for an avocation of the cause to Rome: then, if there is no way to put by this demand, the pope will be very expeditious in the hearing, make a decision to the king's satisfaction, and proceed in such a manner, that neither Spaniard, nor German, shall except against it."

Cotton,
Libr. Vitel.
b. 10.

This expedient the pope proposed, as the most practicable and secure; and desires the king to manage by it, but not to discover the author of the intimation.

Now to set this whole matter in a fuller light, I shall acquaint the reader with the instructions written with the king's own hand, upon which Sir Francis Bryan and Mr. Vannes

to take their measures, and pursue their negotiation. Under shall have them in Harpsfield's words, who extract them from original letters of the king and cardinal.

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These agents," says he, "were required perfectly and subtly to instruct themselves, against the coming of secret night, of certain questions, by the learning, experience, knowledge of the best advocates they could get in the of Rome, to be retained of the king's counsel, and to be grace's part made sure, by secret rewards, pact, and tion, that afterwards they should not be allured and to the adverse part. The questions were proposed in following, whereof I shall shift no part of the king's own viz.

*Instructions
given to Sir
Francis
Bryan and
Mr. Vannes,
the king's
agents at
Rome,
touching the
power and
disposition
of that court.*

Whether if the queen," says the king, "for the great and effects that may ensue thereof, can be moved, and to take vow of chastity, and enter into religion; the holiness may, 'ex plenitudine potestatis,' dispense with g's highness, to proceed there upon 'ad duas nuptias,' children to be procreat in the same, to be legitimate: it be a thing that the pope per case may not do, (standing as be already written, both divine and human, and is ordinary power,) yet whether his holiness may do it here and absolute power, as a thing that the same may be in above the law, must secretly and perfectly be good and known, and what precedent has been seen of tter, or how the court of Rome shall define and determine what it doth use or may do therein; so that it may y and assuredly appear, that no exception, no scruple, n, or doubt can or may be found, or alleged hereafter thing, that may or shall be affirmed to be the pope's 30. ouching that matter. Semblably, forasmuch that it is at the queen shall make marvellous difficulty to enter igion or take vow of chastity: but that to induce her to, there must be ways and means of high policy used, things possibly devised to encourage her to the same: per case she shall resolve, that in no ways she will end so to do, unless the king's highness also do the his part; the king's said orators shall therefore in ys instruct themselves by their secret learned counsel court of Rome, if for so great a benefit to ensue to g's succession, realm, and subjects, with the quiet of

WAR-
HAM,
Abp. Cant.

his conscience, his grace should promise to enter religion, or make vow of chastity for his part, only thereby to induce the queen thereto; whether in that case the pope's holiness may dispense with the king's highness's promise, oath, or vow, discharging his grace clearly of the same, and thereupon to proceed '*ad secunda vota cum legitimatione prolis*,' as is aforesaid. Furthermore, to provide surely for all events, as well '*propter conceptum odium*,' as for the danger that may ensue to the king's person, by continuance of his grace in the queen's company, (from whose bed he is utterly resolved to abstain,) if it shall be found and appear assuredly, that the pope may no ways dispense with the king to proceed '*ad secunda vota*,' the queen being alive in religion, but that she being in religion, or without, shall still be reputed his wife; then shall the king's said orators perfectly inquire and insearch, whether the pope's holiness may dispense with his grace upon the great considerations that rest herein, to have '*duas uxores*,' and that the children of the said second matrimony shall be as well legitimate as those of the first: wherein some great reasons and precedents, especially of the Old Testament, appear." Thus far the king's words: Harpsfield follows.

"And they are willed to advise the king's highness upon the great considerations that rest herein, and the cardinal of York, by post, and in cyphers, what they might know and understand in all and singular the premises; foreseeing always principally and above all things, that in making any privy search, conducting of advocates or learned counsel, offering of rewards, or entertainment, or otherwise, they should use such high circumspection, as the king's cause were not thereby published or known, to the hindrance, slander, or impeachment of his grace's intent, using and proponing always the king's case, as it were another man's."

Thus we see the matter the agents were to go upon, the persons they were to consult, and the secrecy of the inquiry. By these instructions they were only to consult the most learned advocates, to put the case under a disguise, and not as if the king was concerned in it: and thus, as far as it appears, they were underhand to feel the pope's pulse, and inform themselves of the extent of his power, without going openly to work, or proposing the questions to him.

But it seems by the sequel, and what has been already

Nicholas
Harpsfield's
MS. in New
College
Library in
Oxford.

See Bishop
Burnet,
pt. I. p. 60.
Jan. 1528.

observed, they found the conclave disposed to compliance, for which the king gives them thanks in a letter to the college of cardinals.

HENRY
VIII.

Cotton,
Libr. Vitel.

b. 10.
Jan. 1528.

*Cardinal
Wolsey's
letter to the
king's agents
at Rome,
to get the
marriage
annulled.*

However, Wolsey was anxious about the event, as appears by his letter to John Cassaley, in which, besides pressing the affair upon some reasons already mentioned, he insists strongly upon "the benefit of the king's friendship to the see of Rome: that provided the pope gives his highness satisfaction in this matter, he may depend not only on his single assistance, but that the king will make it his endeavour to draw all his allies into the same interest. On the other hand, if his majesty should disengage from his holiness, things would have a contrary issue; and several princes of Europe would be carried off with him. And to speak clearly," says the cardinal, "I cannot see any state or country in which his holiness may better confide, than in his majesty; nor any sovereign who is more likely to recover the apostolical see to its ancient dignity: whereas, without his assistance, nothing next to a miracle can support its authority." And after some further reasoning upon this head, he desires the pope "would not look on him as a person pre-engaged by interest or inclination, to solicit the king's cause, but that he is wholly governed by the motives of justice, and should recommend the affair with the same earnestness, though he had never seen England, nor had any engagements there."

Cotton,
Libr. Vitel.
b. 10.
Feb. 10,
1528.

Not long after, he wrote to the pope himself upon the same subject: and here he seems to lay out all his arguments and elocution, to make an impression. He acquaints his holiness, "how much he was perplexed about the affair of the divorce: that he pursued the procuring it, with all the earnestness imaginable: that if the safety of the king and kingdom, the repose of Europe, the apostolical authority, and his own life and soul lay all at stake, he could not solicit with more application. He throws himself at the pope's feet, begs him, if he has any favourable thoughts of him, if he thinks him a good cardinal or an honest man; if he believes him to have any regard to justice or conscience, to have anything of good faith or reality in his professions of duty to the apostolic see; in short, if he believes him to have any regard for his own salvation, he entreats him to consider his application, and answer the king's requests with all expedition; which were

*He writes
to the pope
upon the
same busi-
ness.*

WAR-
HAM,
Abp. Cant.

they not founded upon reason and religion, he declares, he would rather suffer all extremities of torture, than recommend them: but he was so well satisfied, that he was ready to pawn his life and soul upon the equity of what was desired." Upon this, he proceeds to alarm the pope, in case of incomppliance: he tells him, "That in case the king found himself neglected by the apostolic see, when his claim was so well supported by the laws of God and man; if he despaired of friendship and consideration from Christ's vicar; if the emperor had so plainly gained the ascendant, though it was not in that prince's power to break the king's measures; if the prospect looked thus gloomy and unfavourable, it was to be feared, his highness would apply to other expedients: and that such remedies might be thought on as would not only sink his holiness's authority, and draw off the English from their obedience to the see of Rome, but likewise prove a dangerous precedent to other Christian princes to do the same. That at present it was in his holiness's power to prevent so fatal a mischief." He goes on to acquaint the pope; "That he spoke this upon the faith of a Christian, and as a person devoted to the apostolic see. And that no bias of affection, no partiality to his prince, no servile obnoxiousness, had drawn this expostulation from him, but that he was perfectly swayed by the justice of

31. the cause. That by gratifying the king in this point, he would not only effectually engage his highness, but that all his subjects would be ready to offer their lives and fortunes for his holiness's service. Lastly, he lets the pope know he had sent Stephen Gardner, his principal secretary, to wait on him, a person for whom he had a great value; that his holiness might trust him entirely, and give credit to whatever he should report." Edward Fox, the king's almoner, was likewise joined with Gardner, in this business, and is mentioned in a character of respect.

Cotton,
Libr. Vitel.
b. 10.
Feb. 6. 1523.

Cardinal
Wolsey
renews his
attempt to
gain the
papedom.

In the beginning of this year, the pope fell dangerously ill; upon which the cardinal made another effort for St. Peter's chair. For this purpose he wrote to Sir Gregory Cassaley to make him an interest, and solicit at the election. He lets him know, how deeply the king's honour and satisfaction were concerned in the choice of another pope. That therefore he was desired to exert himself, that no person disinclined to his highness might succeed. As to the measures he was to take for

recommending the cardinal, he refers him to larger instructions. But pope Clement recovered, and so this business came to nothing.

This year the pope, at the king's instance, grants a bull for dissolving as many monasteries as amounted to the yearly revenue of eight thousand ducats, provided the number of the religious in each house did not exceed six. The lands of the suppressed monasteries were to be settled upon the college at Windsor, and upon King's college in Cambridge.

About the same time, at his majesty's desire, another bull was directed to the cardinals Wolsey and Laurentio, for suppressing monasteries of both sexes, where the number fell short of twelve: these religious were to be removed, and their estates annexed to greater monasteries.

And in a letter of the same date, his holiness acquaints the cardinals last mentioned, with the king's request, that several of the larger and best endowed monasteries in great towns, might be turned into bishops' sees. He appears willing to gratify his majesty, orders the legates to inquire into the practicableness of the scheme: and the next year sends them a commission to erect as many bishoprics as they thought convenient.

To secure the king the better from disappointment in the divorce, and prevent a decree of the legates from being reversed, a decretal bull, for the pope to sign, was drawn up here the last year, and transmitted to Rome. This bull was penned with great exactness: the form is very comprehensive, and guards with great precaution against all manner of art and evasion. The legates have as large a jurisdiction as could be desired, and the pope promises to ratify their sentence without reserve. To lay the most considerable part of it before the reader. By virtue of this bull, the cardinals Wolsey and Campegio, or one of them, in case the other should be hindered, or refuse to act, are authorized to examine the dispensation of Julius II., and in case they found any of the formerly mentioned defects in it, they are empowered to pronounce the marriage null, and that both the parties are at liberty to engage in a new relation of that kind, at their pleasure, without allowing either of them to except against the judgment, or appeal to the pope's person. Further, the pope lodges the plenitude of his power with these cardinals, either to dissolve the present

HENRY
VIII.

Cotton,
Libr. Vitel.
b. 10.

*Bulls for the
suppressing
several
monasteries.*
Conventio-
nes Acta
publica, &c.
tom. 14.
p. 270.

Id. p. 272.

Id. p. 274.

Id. p. 291.

*A decretal
bull for the
legates to
proceed on
transmitted
from hence
to Rome.*

WAR-
HAM,
Abp. Cant.

marriage, or for the engaging in a new one, as they should find it expedient. They are likewise authorized to dispense with all canons, which may be thought to lie cross to their proceedings, and check the liberty of their motion. And being furnished with the full privilege and jurisdiction of the pope's authority, they are enabled to supply all defects arising from what cause soever: and thus by the strength of an apostolical dispensation, they may, if they find it expedient, pronounce the issue by the first marriage legitimate, in regard of the innocence and good conscience of the parents, no less than the issue by the second: and that they may legitimate the children of both venters, by all manner of censures and penalties ecclesiastical, by the most effectual ways and means, that the law can devise. And lastly, the pope binds himself to ratify and confirm whatever should be executed, done, or decreed by them, with a promise never to revoke it. And to make all sure, this commission to the cardinals was to continue in force, till the divorce was thoroughly discussed, and the matter brought to a final decision, and all future instruments of revocation declared void.

See Records,
num. 8.

By this bull, it appears the king was willing the princess Mary should be declared legitimate, notwithstanding his divorce from the queen her mother.

*A bull of a
less compre-
hensive form
signed by the
pope.*

As to the success of this despatch, the pope complied so far as to sign a decretal bull; but the form of it was different: for first, there is no reference to any sentence to be pronounced by the legates: it supposes the pope fully informed about the unlawfulness of the king's marriage, and dispenses with him to marry any other person, provided she was not his brother's relict, or had not consummated her marriage with another person now living. And secondly, those extensive corroborating clauses in the instrument, drawn up in England, were wanting in this. It is dated at Orvietto, the 27th of January, in the year 1527. This bull is supposed to be the same with that which Campegio brought afterwards with him into England. However, the English court did not despair of succeeding upon their own draught: to this purpose cardinal Wolsey wrote to Sir Gregory Cassaley, to use all his interest to get the form above-mentioned passed, and signed privately by the pope, and conveyed hither with all the secrecy imaginable: assuring the pope at the same time, with the highest solemnity of expression, that no man living besides himself should see it:

Lord Her-
bert, p. 251.

that he did not design to begin any process upon it: that the only use he intended to make of it, was to have it in his possession as a mark of his holiness's kind intentions to the king: that by this means his own interest would rise, and he should be in a better condition to serve his holiness with the king.

HENRY
VIII.

Cotton,
Libr. Vitel.
b. 10.
May 7,
1528.

Afterwards the cardinal was acquainted the pope had granted a bull, but not of the English form: for the cardinal does not call it a decretal commission, which was the expression he used for that last mentioned. However, he seems contented with what could be gained; and only desires that this decretal bull, which the legate Campegio was now bringing over, might be privately shown to some of the council; not that it was designed to bring it into the court, or make use of it for trying the cause, but only as a testimony of Wolsey's diligence, and that his holiness was willing to grant any reasonable request for the king's satisfaction, and the settlement of the government and succession.

32.
Cotton,
Libr. Vitel.
b. 10.

Towards the latter end of this year, cardinal Campegio arrived at London. The king proposed his being received by the city with all the public marks of respect: but this legate being troubled with the gout, declined the ceremony, and made a private entry. After a repose of some few days, he had an audience of the king, where in a Latin speech made by his secretary, he acquainted his highness with the barbarities committed by the imperial forces in Italy: how they stormed and plundered Rome: that the king's interposing for the apostolic see, in this distress, was received with a very grateful sense by the pope and cardinals. To this speech Edward Fox, afterwards bishop of Hereford, making a reply in the same language, told him, the king had been very much afflicted at the pope's misfortune: that common compassion carried him thus far. But over and above this natural sympathy, his majesty had taken care to perform the part of a friend, and proceed to those good offices which the vicar of Christ might expect from a Christian prince. And since his majesty had shown himself thus remarkably dutiful to the holy see, he hoped his services would be remembered when occasion required. Afterwards the king and the legates discoursed the matter privately. And here Campegio gave the king all the assurance imaginable of the pope's reality and favour. It seems this legate believed

Oct. 9, 1528.
*Cardinal
Campegio
arrives in
England.*

Godwin,
Annal. p. 36.

WAR-
HAM,
Abp. Cant.

1528.

*Campegio
takes the
queen with
misconduct,
and per-
suades her to
retire to a
monastery.*

nothing less: for the pope was not willing to discover his whole mind, nor lodge so great a secret with this cardinal.

Soon after this Campegio, at an audience with the queen, took occasion to acquaint her with the danger of the present dispute, and endeavoured to persuade her to retire to a monastery. He seemed to charge her with something of unseasonable freedom and misconduct in her behaviour. For since the granting of the legate's commission, she was observed to allow dancing and court diversions more than before. It was likewise taken notice of, that she appeared publicly with an unusual air of cheerfulness and spirit. Whereas the condition of her circumstances ought to have made her more grave and recollected. That the perplexity of the king's conscience, not to mention other gloomy appearances, were no motives for satisfaction. The queen, by no means pleased with this discourse, replied positively, that she was resolved to stand by the marriage, so solemnly allowed by the apostolic see: and in case the matter should be drawn into question, she would by no means refer the cause to such partial judges as this legate and Wolsey. Campegio, finding her thus averse, informed the pope of her resolution.

*His dis-
course un-
successful.*

Lord Her-
bert, p. 225.

*Bishop Fox's
death and
character.
Eccles. Hist.
pt. I.*

This year, Richard Fox, bishop of Winchester, departed this life. I have already observed, how much this bishop was considered in the court of Henry VII., and what share he had in public negotiations. That prince, amongst other marks of his favour, did him the honour of making him godfather to the present king. He was first preferred to the see of Exeter, from thence translated to Bath and Wells, from thence to Durham, where after having sat six years, he was removed to Winchester. Some years before his death, he was blind, which seemed the only misfortune of his life. Being resolved upon some public benefaction, his first thoughts were the founding a monastery: but Oldham, bishop of Exeter, diverted him from this design: he told him his bounty would be in danger of being lost this way; for, in his opinion, the monks had more endowments already than they would be able to keep. Upon this, Fox changed his scheme, and founded Corpus Christi in Oxford; where, besides the charge of the buildings, he made a settlement for a president, twenty fellows, twenty scholars, &c., to the number of threescore and ten, and endowed the

A. D. 1516.

Godwin,
de Presul.
Angl.

house with four hundred and one pounds per annum. He likewise founded two free schools, one at Taunton in Somersetshire, and the other at Grantham in Lincolnshire. He likewise expended great sums of money in repairing and ornamenting his cathedral at Winchester. He sat twenty-seven years in this see, and governed to great commendation.

HENRY
VIII.

Fuller's
Church
Hist.

Godwin, ib.

To proceed: Campegio and Wolsey were now employed in pitching upon the form of the trial, and preparing for it. Half a year was spent in adjusting this matter. In this interval, little remarkable occurred, excepting a public declaration made by the king, with reference to his marriage. He found the moving for a divorce, made him suffer in his reputation: that the women especially charged him with inconstancy, and that there was more passion than conscience in soliciting this matter. To remove this construction, his majesty made a speech to the lords spiritual and temporal, the judges and other persons of condition being present.

Nov. 8.

His majesty told them, "That since his accession to the throne, which was about twenty years, his reign, by the blessing of God, had been so prosperous, that neither his subjects had reason to complain, nor his enemies to boast of any advantage. That he had never yet been attacked, without damage to the aggressor: and as for the wars begun by himself, they always terminated in victory. Insomuch, that whether the wealth consequent upon peace, or the glory of military exploits were considered, he might modestly say, his reign might stand a comparison with the most successful of his predecessors. But when he considered his own mortality, he said, he could not but be apprehensive the succeeding reigns might prove very unfortunate: that they would bear no resemblance to the present happiness. And that his subjects should be brought to the condition of the Romans upon Augustus's death: and either wish that he had never been born, or had always lived amongst them."

*The king's
speech to the
lords, &c.
to silence the
clamours
about the
divorce.*

Then his majesty touches briefly upon the miseries the kingdom had lately felt in the competitions between the houses of York and Lancaster: but this has been mentioned already. His majesty goes on to apply this remark, and tells them, "the princess Mary being his only child, had a more than ordinary share in his affection. That he had lately treated a match for her, with the house of France; and that one of the French

WAR-
HAM,
Abp. Cant.

king's privy council had questioned her legitimacy: that, God knows, the report of this matter touched his highness very sensibly. That the French had supported their scruples with such authorities from Scripture, that he thought himself bound, at the peril of his soul, to endeavour the disentangling the question. That to this purpose, he had first consulted his friends, and afterwards the most eminent in the civil and canon law. But here the contrariety of opinions making him more unresolved than before, he concluded there was no remaining expedient, but to apply to the apostolic see, in whose judgment

33. both himself and all other Christians, ought to acquiesce. To this end, he calls God to witness, he had procured the arrival of the venerable legate. For, the murmuring of malcontents and the discourses of idle women apart, I shall freely declare," says the king, "my thoughts of my dear consort, the queen. A person, though royally descended, yet more illustrious in her virtue than in her family: a princess so valuable, that, as God shall help me, if I were now to marry, I should make choice of her as soon as of any lady living, provided it could lawfully be done. For, as to piety, conjugal affection, sweetness of disposition, prudence, and all other branches of unexceptionable conduct, I am fully satisfied, there is no meeting with one equal to her. But since we are not born only for ourselves, and to please our own fancy, I thought it much better to have the matter judicially examined, than to seem regardless of my duty to God, to neglect the interest of my subjects, which every honest man ought to prefer to all private considerations. I hope after you have heard me declare my mind after this manner, neither the little stories of the vulgar, nor the calumnies of the seditious, will make any impression upon you."

Notwithstanding this declaration of affection to the queen, and the agreeableness of her person, it is pretty evident the king's fancy had been some time engaged to Mrs. Anne Boleyn.

*A particular
correspond-
ence between
the king and
Anne Boleyn.*

For proof of this, we have two original letters of her's to the cardinal; which not only discover a particular correspondence between his highness and this lady, but that the cardinal was acquainted with it. There is no date upon them, but by the contents, we may conclude them written after the end of May, when the sweating sickness began, and about the time the legate Campegio was expected. I shall transcribe them as they stand in bishop Burnet.

Bp. Burnet,
pt. 1. p. 55,
56.

" MY LORD,

" In my most humblest wise that my heart can think, I desire you to pardon me that I am so bold to trouble you with my simple and rude writing; esteeming it to proceed from her, that does much desire to know that your grace does well, as I perceive, by this bearer, that you do: the which I pray God long to continue, as I am most bound to pray; for I do know the great pains and troubles that you have taken for me both by day and night, is never like to be recompensed on my part, but alone in loving you, next unto the king's grace, above all creatures living. And I do not doubt but the daily proofs of my deeds shall manifestly declare and affirm my writing to be true. And I do trust you do think the same.

HENRY
VIII.

*Two letters
of Anne
Boleyn's to
Wolsey.*

" My Lord, I do assure you, I do long to hear from you the news of the legate: for I do hope, and they come from you, they shall be very good: and I am sure you desire it as much as I, and more, and it were possible, as, I know, it is not. And thus, remaining in a stedfast hope, I make an end of my letter. Written with the hand of her that is most bound to be

" The writer of this letter would not cease till she had caused me likewise to set to my hand. Desiring you, though it be short, to take it in good part. I insure you, there is neither of us, but that greatly desires to see you, and much more joyous to hear that you have escaped this plague so well, trusting the fury thereof to be passed, especially with them that keep a good diet, as I trust you do. The not hearing of the legate's arrival in France causes us somewhat to muse: notwithstanding, we trust by your diligence and vigilancy (with the assistance of Almighty God) shortly to be eased out of that trouble. No more to you at this time: but that I pray God send you as good health and prosperity as the writer would.

*The king's
postscript
to him.*

" By your

" Loving sovereign and friend,

" HENRY K."

" Your humble servant,

" ANNE BOLEYN."

WAR-
HAM,
Abp. Cant.

" MY LORD,

" In my most humble wise that my poor heart can think, I do thank your grace for your kind letter, and for your rich and goodly present, the which I shall never be able to deserve without your help: of the which I have hitherto had so great plenty, that all the days of my life I am most bound of all creatures, next the king's grace, to love and serve your grace: of the which, I beseech you never to doubt, that I shall vary from this thought, as long as any breath is in my body. And as touching your grace's trouble with the sweat, I thank our Lord that them that I desired and prayed for, are escaped, and that is the king and you; not doubting but that God has preserved you both for great causes, known alonely of his high wisdom. And as for the coming of the legate, I desire that much: and if it be God's pleasure, I pray him to send this matter shortly to a good end: and then I trust, my lord, to recompense part of your great pains. In the which I must require you in the mean time to accept my good will instead of the power; the which must proceed partly from you, as our Lord knows; to whom I beseech to send you long life, with continuance in honour. Written with the hand of her that is most bound to be

" Your humble and

" Obedient servant,

" ANNE BOLEYN."

To return. His majesty's speech was differently relished: some pitied the king, but the queen's case had much more compassion. Some ambitious people, who, it is likely, had the prospect of mending their fortunes, were pleased to see the waters disturbed. These mercenary and insidious spirits applauded the king's proceedings, and pretended his highness's resolution very pious, and serviceable to the public.

Lord Herbert, p. 36, 37.

The pope refuses to let the bull be shown to the privy council.

Not long after this, cardinal Wolsey received a letter from John Cassaley: it is dated December the 17th, 1528. In this letter, Cassaley informs him, that he had desired the pope to think upon an expedient to show the bull to some of the king's privy council. The pope replied in a positive denial: adding, had it not been utterly impracticable, it should have been done at first, without giving the king and cardinal so much trouble;

and in short, bid him not insist any further upon it. However, Campegio gave the king a sight of the decretal bull; but could not be prevailed with to leave it for a minute, either with his highness or Wolsey.

HENRY
VIII.

Bp. Burnet,
p. 58.

The reason of the pope's reservedness and in-compliance in this point, seems to have been the design of maintaining himself in a liberty of treating with the emperor, and breaking with the king. His holiness took notice, that the mediations of England and France had not prevailed with the Venetians to restore him Cervia and Ravenna: now he thought that republic would not have been so hardy in their refusal, if these kings were in earnest: for it had been promised, these towns should be restored, as soon as his legate was sent to England. The cardinal's pressing therefore to have the bull seen by some of the privy council, did but make the pope more averse to the request: for, he could not imagine the application was made out of mere curiosity, or for direction of the privy council; since the king and the cardinal could inform them fully in whatever was material in this instrument. The importunity for seeing it therefore, he concluded, was only that they might have so many witnesses to prove it was once granted: but by taking this step, the pope knew he should put himself in the king's power, and make an agreement with the emperor utterly impracticable.

*The reasons
of this in-
compliance.*

34.

Id. p. 59.

However, to provide against all events, and keep fair with the English court, he despatches Francis Campana to England, to give an expectation of favour, and feed the king with fresh hopes.

Dec. 1528.

Cotton,
Libr. Vitel.
b. 10.

But it is plain Campana's coming, and smooth message, gave little satisfaction. For, in the beginning of the next spring, Wolsey writes a long despatch to the king's agents at Rome. In this letter, he takes notice of the pope's alleging his falling sick, as an excuse for not expediting the king's business. This the cardinal looks upon as mere trifling. That the pope had sufficient opportunities of being fully informed of the justice of the king's cause. That delays in this case are no better than art and shifting. That by stopping the cause upon a pretence of ill-health, his holiness must inevitably run himself upon one of these inconveniences: either he must leave the business undecided, and by consequence perplex the title to the crown, and embroil the kingdom; or else, he must pronounce the bull

April 6,
1529,
*Cardinal
Wolsey's
complaint
of the pope's
unfair deal-
ing.*

WAR-
HAM,
Abp. Cant.

or brief, or both of them, to be valid and unexceptionable; which, considering the violent presumptions to the contrary, the cardinal believes, that neither his holiness, nor any honest man, can fairly do. If therefore the pope continues to throw in delays, and clog the affair, he can by no means understand such mysterious conduct. And therefore, he plainly tells the agents, that unless the utmost speed was given to the business in hand, he thought his holiness could not die with a good conscience.

Cotton,
Libr. Vitol.
b. 11.

*He desires
an enlarge-
ment of the
commission
for trying
the cause.*

By these instructions it appears, the king and Wolsey were not altogether satisfied: and that, either Campeggio's keeping the bull so close, or else the form of it, did not please them. For by these instructions, the agents were to move for decretals. And if this could not be granted, they were then to press for an enlargement of the legate's commission. The amendments requested were, that Wolsey and Campeggio might be sufficiently authorized to proceed, both upon the body, and all the incidents and dependencies of the cause, with the same extent of jurisdiction, as his holiness (to use the cardinal's words) may do of his ordinary and absolute power; with sufficient and ample clauses "ad decernendum et interpretandum jura legis et rescripta quaecumque hoc matrimonium concernentia, una cum omnibus et singulis dubiis in eadem causa emergentibus." That there should likewise be a supplemental provision in this commission, to make out compulsories to any princes or persons, of what dignity or state soever, "etiamsi imperiali, regali, vel alia quacumque dignitate præfulgeant, sub quibuscunque pœnis." By virtue of this order, all persons of what quality soever were to furnish any manner of witness or records, which were to appear, and be laid before the legates, as they should think fit to require.

And in case the pope should happen to die before the king had received satisfaction, they were to inquire into the extent of the jurisdiction belonging to the cardinals "sede vacante:" and in case they found them authorized to decree any thing in the king's cause, they should immediately apply to them for justice and despatch.

In another packet, sent soon after to Rome, the king, in the cardinal's letter, complains of the strict union between the pope and emperor. That by this close correspondence, it was plain the pope was governed by a bias, and that no justice

could be expected from him. However, his highness was willing to wait a little longer, and go on with his application. The agents therefore are ordered to solicit the enlargement of the legates' commission above-mentioned. They are likewise acquainted, that the pope's pollicitation, to ratify the sentence of the legates, was defectively drawn up: and that his holiness might recede and disengage himself at his pleasure. They were to tell the pope, that the pollicitation sent to England was so wetted and spoiled in the passage, that they durst not show it the king: they therefore entreated his holiness would grant them a new one: and thus when they had gained this point, Gardner was ordered to take care that such supplementary clauses, as were necessary, might be inserted.

HENRY
VIII.

In this letter, the cardinal takes notice, the emperor refused the sending pope Julius the Second's brief into England. He pretended himself notwithstanding willing enough to send it to Rome: for that court, he alleged, was the proper place for the trial of the king's cause. "But this," says the cardinal, "is but a feint: for by the advices the king received from his ambassadors in Spain, there lay strong presumption of forgery against the brief: and that the marks of imposture were such, as would not well bear the light." And here the cardinal makes a chronological exception. That the court of Rome observes a different computation of the year in bulls and briefs: that in the first, the year begins at the Annunciation of the Blessed Virgin, and the latter at the nativity of our Saviour. That he who forged the brief in Spain, not knowing this different reckoning, laid himself open to discovery. Under this ignorance he dates the brief upon the 26th of December, anno Domini 1503, which was before Julius was advanced to the papacy. But after all, the cardinal was not assured of the force of this objection: and therefore he advises the ambassadors to examine further into the matter.

*A close
union be-
tween the
pope and
emperor.**Exceptions
against the
brief of
Julius 2.*Cotton,
Libr. *ibid.*

There are several other objections against the authenticity of the brief, of which I shall only mention two, and transcribe it for the Latin reader.

See Records,
n. 9.

First, It was argued that the brief was not entered upon the register at Rome; neither was there any docket or memorandum of any such instrument.

And secondly, It was not to be met with in the king's paper office, where public records of that nature are preserved.

Ed. Herbert,
p. 241, 242.

WAR-
HAM,
Abp. Cant.

Cotton.
Libr. Vitel.
b. 11.

35.

However, that the brief was no forgery, or at least, that the English court suspected the contrary, is pretty plain from the instructions sent to the king's agent to dissuade the pope from sending to Spain for the original. It may possibly be thought these instructions might be given to hinder the avocation of the cause: but this conjecture is not so likely; for if the brief could have been proved a forgery, the king must have carried his point, and by consequence would not have been so averse against a hearing at Rome.

April 5,
1529.
*The emperor
solicits an
avocation of
the cause to
Rome.*

About this time the bishop of Worcester and doctor Lee, the king's ambassadors in Spain, opened the divorce to the emperor: upon which his imperial majesty returned the king this answer: "that he was sorry his majesty had any thoughts of parting with the queen; and conjured him by the sacrament of marriage to proceed no further." But in case he was resolved to go on, his imperial majesty insisted, that the cause should not be tried in England, but either referred to the pope, or brought before a general council: adding withal, that he was satisfied, the right lay on the queen's side, and was resolved to abet her interest.

Lord Her-
bert, p. 225.

*The two
legates' letter
to the pope.*

The legates perceiving the queen incontinent, and that the emperor would embarrass the affair, joined in a letter to the pope for a decretal bull: which, by the way, must be of a more comprehensive form, than that which Campegio brought with him: for otherwise, what occasion had there been for requesting another? And if the draught of this instrument could not quickly be settled, the pope was to use his interest with the queen in the mean time. They desire him "to endeavour to remove her from her resolutions by all means possible: to try, if he could bring her inclination to the cloister: to suggest to her, that this was the only expedient to make her easy, and secure her interest: and here they press the despatch of the divorce, and the danger of losing the king by delays. That both the nobility and commons were much disturbed at the spinning out the cause: that they declared their minds with great liberty, and seemed almost ready to renounce his holiness. That amongst other instances of satire, they called those people most stupidly ridiculous, that pretended the popes could dispense with divine laws, and yet had no power to cancel the writings, or melt a little wax or lead of their predecessors. That they found it very difficult to keep on the

*They suggest
the danger
of not satis-
fying the
king.*

king's patience, and prevent things from running to extremity. In this letter, they acquaint the pope, they were concerting measures for the trial, and that the queen had exhibited a copy of the brief." From whence we may infer it was written some time before the cause came on at Blackfriars. This letter was followed by another from Wolsey to the king's agents; in which he lets them know "the emperor's ambassadors were busy in soliciting a revocation of his commission and Campegio's: that if his imperial majesty should gain this point, the king would be wholly disappointed. They were therefore to do their utmost to prevent the passing of any such thing. They were to remonstrate to the pope and cardinals upon this head: they were to acquaint them, that a compliance with the emperor, in this particular, would be a flaming injury to the king and kingdom. That by yielding in a point, so contumelious to his legates, and by such an open breach of good faith, his holiness would certainly give the highest provocation imaginable to the king and nobility. That upon such a notorious violation of his promise, they would undoubtedly renounce their obedience, and desert the apostolic see: and that when other countries found there was neither justice nor truth to be met with there, they would, in all likelihood, follow the example of the English." This despatch is dated May the twenty-first, this year.

HENRY
VIII.
Cotton,
Libr. Vitel.
b. 11.
*And deliver
themselves
with great
freedom.*

The pope, who had taken new measures, and was patching up with the emperor, wrote an excusing letter to Wolsey. He pretends himself "very sorry that he could not make a return to the king and cardinal for their good offices to his see. That he desired nothing more than to show his inclination this way; but that at present, the regards of justice checked his motion, and put him to a stand: that he had a great many weighty reasons, which hindered him from giving satisfaction in this point: and that he had endeavoured to convince the king's ambassadors of the cogency of them." And for the particulars, he refers Wolsey to Campegio.

Ibid.

May 31,
1529.
*The pope's
excuse to
Wolsey.*

The measures being now adjusted for the hearing of the cause, the legate's court was prepared at Blackfriars: and the king having, by a warrant under the great seal, given them leave to execute their commission, they sat on the last of May. The commission exhibited by Longland, bishop of Lincoln, was read in court. And now the clerks of the court took the

Cotton,
Libr. Vitel.
b. 11.

*A hearing
concerning
the divorce
at Black-
friars.*

WAR-
HAM,
Abp. Cant.

usual oaths: and the king and queen were cited by the legates to appear on the eighteenth of June, which was all the business of that day. The king's proxies were doctor Sampson, doctor Hall, doctor Petre, and doctor Tregonnell. The queen's council were Fisher, bishop of Rochester; Standish, bishop of St. Asaph; and doctor Ridley. Upon the eighteenth of June the court sat again: the king sent his proxies; but the queen, appearing in person, protested against the legates, as incompetent judges: she alleged the pope had ordered the cause should be tried at Rome, and desired time might be allowed to prove the allegation. The legates gave her highness three days, and adjourned the court.

Cavend.
p. 106.
Godwin,
Annal.
Ed. Herbert,
p. 235.
Bp. Burnet,
p. 72.

*The king
and queen
appear in
court.*

On the twenty-first of June there was another session: and now the king and the queen being present, Campegio opened the business in a long speech: and both this legate and Wolsey made solemn protestations of their impartiality; and that they intended to proceed without any bias of favour or affection.

*The queen's
speech.*

When the king was called, he answered "Here:" but the queen, being called, made no answer; but rising from her chair, came up to the king, and kneeling to him, made a moving and significant speech. She told him, "what disadvantages she lay under, in being a woman, and of a foreign nation: that her counsel were the king's subjects; and that she had little expectation either of friendship or equity: she desired to know how she had disobliged his highness, and why this usage was put upon her? She solemnly protested she had always made it her business to live agreeably to his majesty, and comply with his humour: and that her favour and fancy to other people was always governed by his choice and direction. She suggested, she had been his wife twenty years; and had several children by him: and that the marriage between prince Arthur and herself was unconsummated, she appealed to God and the king's conscience. And if his highness could charge her with any breach of faith or blemish in her honour, she was willing to be dismissed with infamy: but if nothing of this could be proved, she desired to have justice at his hands. The king's father and hers," she said, "had the character of very wise princes; and without question, consulted persons well qualified for advice, when they settled this marriage. In short, she durst not trust her cause with this

36. sulted persons well qualified for advice, when they settled this marriage. In short, she durst not trust her cause with this

court; for, her counsel being his highness's subjects, and assigned by him, she was afraid, would either be prepossessed or overawed. She therefore humbly entreats the king to let the matter rest till she could hear from her friends in Spain."

Upon this, she rose up, made the king a low reverence, and went out of the court. The king ordered the crier to call her in again, but she refused to return. When she was gone, the king began a discourse in her commendation, much to the same effect with his speech to the lords already mentioned: adding withal, that he had formerly mentioned his scruples to Longland, bishop of Lincoln, in confession. And here, cardinal Wolsey desiring the king to declare to the court, whether he had been the person, who first suggested the debating this matter, his highness cleared the cardinal from this imputation, and declared he had never injected any such thoughts, but rather advised the contrary.

HENRY
VIII.

*The king
clears Wol-
sey from
first suggest-
ing the di-
vorce.*

The court adjourned to the twenty-fifth, ordering letters monitory to be issued for citing the queen to appear; but she refusing, was declared contumax.

June 25.

Three days after, she was cited a second time, and, for not appearing, pronounced again contumax.

Ld. Herbert.

Notwithstanding the queen's absence, the dispensing bull and brief were called for, and witnesses examined to prove the marriage consummated between prince Arthur and the present queen.

*The king's
letter to his
ambassadors
at Rome.
June 28,
1529.*

On the other side, the queen's counsel urged, that supposing the marriage consummated, which was more than was proved, yet the forbidding the marrying the brother's relict was no moral law: that it was only a judicial regulation of the Mosaic institution: that none but the Jews were bound by it; and that after the coming of our Saviour, it was abrogated of course. It is true, the Christian Church was governed by this restraint: but then, as it stood only on ecclesiastical authority, the same power might dispense with it.

Cotton,
Libr. Vitel.
b. 11.
*The queen's
counsel argue
against the
divorce.*

The queen was not negligent in preventing the legates' sentence: she sent the lady Margaret, regent of the Low Countries, a detail of the whole process: from hence the account was transmitted to the emperor Charles and his brother Ferdinand, with entreaties to assist their aunt. These princes immediately despatched their ambassadors to the pope, to solicit the matter. These agents were the queen's proxies at Rome; and had a

Godwin,
Annal.

*The queen
solicits the
emperor to
insist on an
avocation.*

WAR-
HAM,
Abp. Cant.

commission to give his holiness a copy of the bull and brief of Julius II., together with her declaration, that the marriage between prince Arthur and herself was not consummated.

The king, suspecting the matter would be worked this way, and that the emperor would do his utmost, had lately sent instructions to his ambassadors to prevent the avocation of the cause; and to remind the pope, that by consenting to such an expedient, his holiness would put a great disgrace upon his legates, contradict his late bull and commission, break through his pollicitation, and disoblige the king and kingdom in a very remarkable manner. But all this remonstrance signified nothing: the posture of affairs in Italy was changed, and the pope fallen into new measures. In fine, the ambassadors of the house of Austria made a protestation in the queen's name, against the proceedings of the legates in England: every page of this instrument was subscribed by the queen's hand. The purport of it was, to entreat the pope to null the proceedings in England, to admonish the king to stop the process, or consent to a trial of the cause at Rome. The ambassadors added, that in case they were refused in these particulars, their masters would apply to other remedies.

A protestation against the proceedings of the legates. July.

The pope grants an avocation. July 3. And concludes a treaty with the emperor.

F. Paul.
Hist. of the
Council of
Trent.

July 13.
Ld. Herbert,
p. 254.

By the way, the pressing for an avocation was agreeable to the course of law, founded in general upon motives of equity: and if the pope had not bound himself up by his pollicitation and decretal bull, could scarce fairly have been denied. However, these considerations were all overweighed; for a treaty was lately concluded between the emperor and him at Barcelona. By virtue of this treaty the pope's nephew, Alexander di Medici, was to be restored to the government of Florence: the emperor was likewise to hold the kingdom of Naples of his holiness, to assist him in the recovery of Cervia and Ravenna, of Modena and Reggio, taken from him by the Venetians and the duke of Ferrara. The pope had some other articles of advantage, which I shall forbear to mention. In short, the power of the emperor, and interest of the pope's family, prevailed, in all appearance, with him so far as to forget his former promises, and venture the breaking with the king. Thus he signed an avocation of the cause, and forbid all further proceedings in England under great penalties.

He was sensible how deeply this usage would be resented by the king: and therefore to show he was dragged into this

expedient, he writes an excusing letter to cardinal Wolsey: in which he tells him, "how much he was afflicted at the necessity of the juncture; that nothing was more averse to his inclination than the avocation of the cause. That he was so sensible of the king's merit and kind offices, that nothing but mere justice could have forced him to have done any thing against his highness's inclination. He desires the cardinal to represent his regret to the king upon this occasion, to put the best complexion upon the matter, and to use his interest to continue him in his customary friendship and esteem to the apostolic see; acquainting his highness, that he had the same regards for him as formerly."

HENRY
VIII.

Cotton,
Libr. Vitol.
b. 11.

Before the avocation was signed at Rome, the pope had instructed Campegio to draw out the matter in length: the cardinal managed his business with dexterity enough. He told the king, that over-driving the cause and precipitating a sentence, would not be for the king's honour; and that the queen's party would take an advantage by such expedition. The court therefore adjourned from day to day, handled the matter slowly, and kept off an expectation of judgment till July the twenty-third. On this day there was a great appearance, and the sentence was generally expected: but the audience were strangely disappointed; for, instead of coming to a decision, Campegio adjourned the court to the first of October. To give this surprising turn a colour, he pretended, they sat there as part of the consistory at Rome; and therefore must be governed by the rules of that court: now at Rome, he solemnly declared, there was a vacation from that time to October; during which interval, no causes were heard. And here we may observe, that the pope had concluded a treaty with the emperor, three weeks before this last adjournment. From whence it is not unreasonable to infer, that the latter formalities and proceedings of Campegio in the divorce were only an amusement.

Cardinal
Campegio
adjourns the
court to
October.

Bp. Burnet,
pt. 1. p. 76,
77.

Ld. Herbert,
p. 254.

And thus the pope, by straining his credit, and being governed too much by secular views, lost England, and sacrificed the interest of his see to the grandeur of his family: but of this afterwards.

When Campegio adjourned the court to October, the king was in some hopes of preventing the avocation; and for this reason it is likely he was displeased with the cardinals for pro-

WAR-
HAM,
Abp. Cant.

*The king
much dis-
satisfied with
the proceed-
ings of the
legates.*

Cavend.
p. 126.

ceeding no faster. And upon this last adjournment, the duke of Suffolk, by the king's order, complained of the usage: and being a person of a warm temper, delivered himself in rugged language. Wolsey told him, he had no reason to be angry, nor to charge him with misbehaviour; that he had given the duke no provocation; that he owed his life to him; and therefore, should have treated him with more regard; that he acted under the pope's authority; and that it was not in his power to proceed to sentence, without knowing his holiness's pleasure.

*The pope
sends the
king a brief
to exempt
him from
the censures
of the inhi-
bition.*
Ld. Herbert,
p. 255.

Cavend.

While the matter rested, the king went a progress, to shake off his spleen, and relieve him under his disappointment. For as yet, he did not wholly despair of seeing the cause decided by the legates: but when the avocation was declared, these hopes vanished. To clench the matter, the pope sent an inhibition to stop the proceedings of the legates, which was delivered in the beginning of September, and privately executed upon the legates. By this instrument, those who abetted the carrying on the process were liable to the censures of the Church. The pope therefore, to prevent the king's resentment, sent him a brief to exempt him from the penalties of the inhibition. Soon after this, cardinal Campegio was recalled; took his leave of the king, and left England. It was said, cardinal Wolsey had lodged a vast sum of money with him, to be carried off. Upon this, the king ordered Campegio's equipage to be searched at Calais; where nothing was found upon him, excepting the present he had received from the king.

Id. p. 119.
*The two
cardinals
wait upon
the queen,
but to no
effect.*

To go back a little: before the last adjournment of the legates' court, the king was displeased with Wolsey; possibly it might be, because he thought him too dilatory and passive in the exercise of his commission: that he resigned too far to Campegio, and did not push for a sentence with the vigour expected. It is certain, the king was uneasy with the delays, sent for Wolsey to Bridewell, and gave him a warm reprimand, as the cardinal confessed to the bishop of Carlisle. The same day the cardinal was ordered to wait upon the queen with Campegio. Their business was, to try if they could prevail with her to drop the contest, and give way to the divorce. The queen told them, she was not prepared to answer a question of that importance, and so that message miscarried.

To proceed: the cause being drawn to Rome, and the king's

expectation balked, he throws his disappointment upon the cardinal, and seems from this moment to have taken severe resolutions against him. Though from the account of the whole matter, it appears the cardinal was very sincere in the king's business; and prosecuted the divorce with all the heartiness and application imaginable. But the king's inclination was strongly settled upon mistress Boleyn. This fancy made him resent the pope's collusion to the highest degree, and discharge his revenge upon this minister. Besides, the cardinal had great enemies at court; and amongst the rest, mistress Boleyn helped to draw down the storm upon him. It is hard to tell the reason of this lady's disgust: Cavendish and the lord Herbert are of opinion, she owed him a grudge for his breaking the contract between her and my lord Percie: upon which she was dismissed the court. But not to mention the cardinal's doing nothing in this affair without the king's order, this conjecture will not hold upon another account. For, by the two letters of Anne Boleyn's to the cardinal, already related, it appears she took this minister for her friend, and was very sensible of the kind offices he had done her: that she had now an expectation of marrying the king, and depended on the cardinal's favour for this advancement. It is plain therefore, that breaking of the contract with the lord Percie, was no present mortification. She could not therefore bear the cardinal any ill-will upon this score. Thus we are at a loss for her disaffection to the cardinal, if her two letters are genuine, as by the manner they appear to be, though the historian does not tell us where he had them. But though the cause is hard to discover, that she was his enemy is certain, as may be seen both from Cavendish in print, and more fully from his manuscript copy. Here the cardinal takes notice of the ascendant she had with the king, of the ill offices she was disposed to do him; and for that reason, he thought it best to drop his defence, as will be afterwards related.

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VIII.

*Anne Boleyn
the cardinal's
enemy.
Conjectures
upon the
cause.*

*Id. p. 40.
Id. p. 37.*

*Bp. Burnet,
pt. 1. p. 55.*

The king's displeasure began now to break out against the cardinal; of which, the first considerable instance was, his sending for the broad seal, and ordering Wolsey to quit York-place, and retire to Esher, a house near Hampton-court, belonging to the see of Winchester.

*The cardinal
ordered to
deliver up
the broad
seal, and
convey away
York-place.*

The dukes of Norfolk and Suffolk being sent to demand the seal, the cardinal told them, it was given him by the king

WAR-
HAM,
Abp. Cant.
Cavend.
p. 141.

Coke's
Instit.
pars 4. fol.
87.

*His com-
pliance in
both in-
stances.*

*He makes
the king a
large pre-
sent.
Cavendish.*

Id. p. 150.

*He is in-
dicted in a
præmunire.*

16 Rich. 2.
cap. 5.

1523.
August 28.
15 Henry 8.

himself, and the office settled by letters-patent for term of life; and therefore refused to part with it. But the next day, when these noblemen returned to him with the king's letter, he acquiesced, and put it into their hands. According to Sir Edward Coke, the law would not have supported him in the contest. "For the grant by patent for term of life was holden void, because an ancient office must be granted as it has been accustomed."

The cardinal finding how matters went, endeavoured to put a stop to his misfortune. He did not know but that the king might either dislike his greatness, or have a fancy for some of his wealth. He therefore resolved to try the expedient of a rich present. He ordered Sir William Gascoign, his treasurer, to bring out all his best furniture; amongst which were hangings of gold and silver tissue, copes of great value, and two large tables full of gold and silver plate. All this treasure the cardinal ordered to be delivered to the king: but it missed the success which Jacob's present had upon Esau; the king's good humour was not to be recovered. For, at the meeting of the parliament, as Cavendish reports, a bill of high treason was brought into the house against Wolsey. But Thomas Cromwell, the cardinal's secretary, who was now a member of the house of Commons, spoke to the charge and defended his master so well, that the bill was thrown out of the house. His enemies being disappointed in this attempt, got him indicted in a præmunire. Thus Cavendish reports the matter: but the lord Herbert supposes the indictment prior to the bill of attainder: at present I shall follow the order of this noble historian. To begin; the cardinal was prosecuted by Hales the attorney-general, and indicted upon the statute enacted against the purchasing or pursuing bulls, instruments, processes, &c. in the court of Rome or elsewhere, against the king, his crown, and dignity. He was allowed to appear by his attorney.

And here the indictment set forth, "That Thomas, legatus de latere, cardinal and archbishop of York, being not ignorant of the premises, had obtained certain bulls from Clement VII., by virtue of which, he exercised jurisdiction and authority legatine, to the deprivation of the king's power established in his courts of justice: which said bulls he caused to be publicly read in Westminster, assuming to himself thereupon the dignity and jurisdiction of legatus de latere: which he has exercised

to this day, to the prejudice of both secular and ecclesiastical persons. And that by colour thereof, he had given away the church of Stow-Gilford, in the county of Surrey, &c. All which was to the contempt of the king and his crown, and contrary to the foresaid statute of 16 Richard II. Moreover, that by colour of the said authority, he had caused the last wills and testaments of many (out of his diocese) to be exhibited and proved to his court, and their goods and chattels to be administered by such as he appointed. Also, that under colour of his said authority, he had made divers visitations out of his diocese, and drawn pensions from abbeys, to the contempt of the king and his laws."

HENRY
VIII.

Ld. Herbert,
p. 262. et
deinc.

The cardinal being not in court, before the trial came to conviction, some of the judges were sent down to Esher to receive his answer. It is said, the cardinal pleaded ignorance of the statute. But this is very improbable: for, first, it is very unlikely the cardinal, who had been so long lord chancellor, should be thus unacquainted with the laws, and know nothing of a statute, in which the penalties were so heavy, and the clergy principally concerned. 2ndly, The cardinal justified the exercise of his legatine character, to the judges who were sent to examine him. He told them he had the king's licence under his hand and broad seal to indemnify him: but that he could not produce the instrument, because his trunks and coffers were seized: and that he did not misreport the matter, I shall afterwards prove to a demonstration. Now, to what purpose should he have taken the king's letters-patent to cover him in the functions of a legate, had he not been apprehensive of danger without them; at least, if he had not been conscious of some stretches in the exercise of that character? However, not thinking it advisable to maintain his conduct, he confessed the indictment, sent his submission, and cast himself upon the king's honour.

Bp. Burnet,
pt. 1. p. 80.

*He pleads
the king's
letters-
patent.*

*But declines
the contest-
ing it any
further.
Cavend.
p. 151.*

Before this indictment took effect, judge Shelly was sent to the cardinal to persuade him to convey York-place (now Whitehall) to the crown. The reason of this message, I suppose, was, because the forfeiture in the præmunire would only vest that house in the king during the cardinal's life, or at most no longer than while the see of York was vacant. Shelly told the cardinal, "it was the king's pleasure he should convey York-place to his highness; that this must be done by way of recog-

*His dis-
course with
judge Shelly.*

WAR-
HAM,
Abp. Cant.

nizance." The cardinal replied, "he knew the king to be of a noble and equitable temper; and that he did not desire to stretch his prerogative to the oppression of the subject. He therefore desired judge Shelly and the rest of the bench not to mislead his highness, and put him upon strains of conscience and law. And as to the matter in hand, whether he might honestly convey York-place to the king, which was parcel of the archbishopric, in which the cardinal was a trustee for the Church, and had no right any longer than his life, was by no means clear. Should every bishop manage by this direction, the patrimony of the Church would be in a low condition: at this rate, it is likely nothing might be left for the benefit of their successors. And which way then could they support their character, and answer the expectations of their post!" Judge Shelly did not stick to tell him, "there was no great conscience in such compliance: but," he added, "it was in the king's power to make the Church of York more than amends some other way; and that in confidence of the king's justice, that scruple might be the better discharged." The cardinal told him, "the king had made no promise of returning a recompense." However, he signed the recognizance, and was willing to try how far an absolute obedience might work upon the king.

Dec. 1. 21.
H. 1.
*Articles
exhibited
against the
cardinal by
the privy
council.*
Coke's
Instit.
pars 4.
fol. 89. et
deinc.
Cotton.
Libr.
Julius 1.
fol. 24.

But nothing could stop the motion of his misfortune: for, not long after, several lords and others of the privy council exhibited articles to the king against him. This charge was transcribed from the original, and afterwards compared by Sir Edward Coke. It is taken word for word from the original record, without the least omission. This matter having been imperfectly and unfairly represented in the English chronicles, I shall give it the reader as it stands in the Institutes of this learned gentleman. It begins thus:

"Constrained by necessity of our fidelity and conscience, complain and sue to your most royal majesty, we, your grace's humble, true, faithful and obedient subjects, that the lord cardinal of York, lately your grace's chancellor, presuming to take upon him the authority of the pope's legate de latere, hath by divers and many sundry ways and fashions, committed high and notable grievous offences, misusing, altering, and subverting the order of your grace's laws, and other ways contrary

to your high honour, prerogative, crown, estate, and dignity regal, to the inestimable great hindrance, diminution, and decay of this your grace's realm. As it is touched summarily and particularly in certain articles here following, which be but a few in comparison of all his enormities, excesses, and transgressions against your grace's laws.

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"That is to say :

"1. Where your grace and noble progenitors within this realm of England, being kings of England, have been so free, that they have had in all the world no other sovereign, but immediately subject to Almighty God in all things touching the regality of your crown of England, and the same pre-eminence, prerogative, jurisdiction, lawful and peaceable possession, your grace and noble progenitors have had, used, and enjoyed 39. without interruption of business therefore by the space of two hundred years and more ; whereby your grace may prescribe against the pope's holiness, that he should not, nor ought not to send or make any legate, to execute any authority legatine, contrary to your grace's prerogative within this your realm : Now the lord cardinal of York, being your subject, and natural liege born, hath of his high orgulows, and insatiable mind, for his own singular advancement and profit, in derogation, and to the great emblemishment and hurt of your said royal jurisdiction and prerogative, and the long continuance of the possession of the same, obtained authority legatine : by reason whereof, he has not only hurt your said prescription, but also, by the said authority legatine, hath spoiled and taken away from many houses of religion, within this your realm, much substance of their goods, and also hath usurped upon all your ordinaries, within this your realm, much part of their jurisdiction, in derogation of your prerogative, and to the great hurt of your said ordinaries, prelates, and religious.

"2. Also the said lord cardinal, being your ambassador in France, made a treaty with the French king for the pope, your majesty not knowing any part thereof, nor named in the same ; and binding the said French king to abide his order and award, if any controversy or doubt should arise upon the same, betwixt the said pope and the French king.

"3. Also the said lord cardinal, being your ambassador in France, sent a commission to Sir Gregory de Cassalis, under your great seal, in your grace's name, to conclude a treaty of

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amity with the duke of Ferrara, without any commandment or warrant of your highness, nor your said highness advertised or made privy to the same.

"4. Also the said lord cardinal, of his presumptuous mind, in divers and many of his letters and instructions, sent out of this realm to outward parts, had joined himself with your grace, as in saying and writing, 'The king and I would ye should do thus:' 'The king and I do give unto you our hearty thanks:' whereby it is apparent that he used himself more like a fellow to your highness than like a subject.

"5. Also where it hath ever been accustomed within this realm, that when noblemen do swear their household servants, the first part of their oath hath been, that they should be true liege men to the king and his heirs, kings of England: the same lord cardinal caused his servants to be only sworn to him, as if there had been no sovereign above him.

"6. And also whereas your grace is our sovereign lord and head, in whom standeth all the surety and wealth of this realm; the same lord cardinal, knowing himself to have the foul and contagious disease of the great pox broken out upon him in divers places of his body, came daily to your grace, rounding in your ears, and blowing upon your most noble grace, with his perilous and infective breath, to the marvellous danger of your highness, if God of his infinite goodness had not better provided for your highness. And when he was once healed of them, he made your grace to believe, that his disease was an imposthume in his head, and none other thing.

"7. Also the said lord cardinal, by his authority legatine, hath given by prevention the benefices of divers persons, as well spiritual as temporal, contrary to your crown and dignity, and your laws and statutes therefore provided: by reason whereof, he is in danger to your grace of forfeiture of his lands and goods, and his body at your pleasure.

"8. Also the said lord cardinal, taking upon him otherwise than a true councillor ought to do, hath used to have all ambassadors come first to him alone, and so hearing their charges and intents, it is to be thought he hath instructed them after his pleasure and purpose, before that they came to your presence, contrary to your high commandment by your grace's mouth to him given, and also to other persons sent to him by your grace.

"9. And also the said lord cardinal hath practised so, that all manner of letters sent from beyond the sea to your highness, hath come first to his hands, contrary to your high commandment by your own mouth; and also by others sent to him by your grace: by reason whereof your highness nor any of your council, had knowledge of no matters but of such as it pleased him to show them: whereby your highness and council have been compelled of very force to follow his devices, which oftentimes were set forth by him under such crafty and covert meanings, that your highness and your council hath oftentimes been abused, insomuch that when your council have found and put divers doubts and things, which afterwards have ensued; he, to abuse them, used these words, 'I will lay my head that no such thing shall happen.'

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"10. And the said lord cardinal hath practised, that no manner of persons having charge to make espial of things done beyond the sea, should at their return come first to your grace, nor to any other of your council, but only to himself: and in case they did the contrary, he punished them there for so doing.

"11. Also the said lord cardinal hath granted licences under your great seal, for carrying out of grain and other victuals, after the restraint hath been made thereof, for his own lucre and singular advantage of him and his servants, for to send thither; as he bare secret favour, without your grace's warrant or knowledge thereof.

"12. Also the said lord cardinal used many years together, not only to write unto all your ambassadors resident with other princes in his own name, all advertisements concerning your grace's affairs, being in their charge: and in the same his letters wrote many things of his own mind, without your grace's pleasure known, concealing divers things which had been necessary for them to know; but also caused them to write their advertisements unto him; and of the same letters he used to conceal, for the compassing of his purpose, many 40. things both from all your other councillors, and from yourself also.

"13. And where good hospitality hath been used to be kept in houses and places of religion of this realm, and many poor people thereby relieved, the said hospitality and relief is now decayed and not used; and it is commonly reported that

WAR-
HAM,
Alp. Cant.

the occasion thereof is, because the said lord cardinal hath taken such impositions of the rulers of the said houses, as well for his favour in making of abbots and priors, as for his visitation by his authority legatine; and yet nevertheless taketh yearly of such religious houses such yearly and continual charges, as they be not able to keep hospitality as they were used to do; which is a great cause that there be so many vagabonds, beggars, and thieves.

"14. And where the same said lord cardinal said before the suppression of such houses as he hath suppressed, that the possessions of them should be set to farm among your lay subjects, after such reasonable yearly rent as they should well thereupon live and keep good hospitality: now the demesne possession of the same houses since the suppression of them hath been surveyed, meted, and measured by the acre, and be now set above the value of the old rent; and also such as were farmers by covent seal and copyholders be put out and amoved of their farms, or else compelled to pay new fine, contrary to all equity and conscience.

"15. Also the said lord cardinal, sitting among the lords and others of your most honourable privy council, used himself, that if any man would show his mind, according to his duty, contrary to the opinion of the said cardinal, he would so take him up with his accustomable words, that they were better to hold their peace than to speak; so that he would hear no man speak but one or two great personages, so that he would have all the words himself, and consumed much time with a fair tale.

"16. Also the said lord cardinal by his ambition and pride hath hindered and undone many of your poor subjects for want of despatchment of matters, for he would no man should meddle but himself; insomuch that it hath been affirmed by many wise men, that ten of the most wise and most expert men in England, were not sufficient in convenient time to order the matters that he would retain to himself: and many times he deferred the ending of matters, because that suitors should attend and wait upon him, whereof he had no small pleasure, that his house might be replenished with suitors.

"17. Also the said lord cardinal, by his authority legatine, hath used, if any spiritual man having any riches or substance, deceased, he hath taken their goods as his own, by reason

whereof their wills be not performed ; and one mean he had to put them in fear that were made executors to refuse to meddle. HENRY
VIII.

"18. Also the said lord cardinal constrained all ordinaries in England yearly to compound with him, or else he will usurp half or the whole of their jurisdiction by prevention, not for good order of the diocess, but to extort treasure ; for there is never a poor archdeacon in England, but that he paid yearly to him a portion of his living.

"19. Also the said lord cardinal hath not only by his untrue suggestion to the pope, shamefully slandered many good religious houses, and good virtuous men dwelling in them, but also suppressed, by reason thereof, above thirty houses of religion. And where by authority of his bull, he should not suppress any house that had more men of religion in number, above the number of six or seven, he hath suppressed divers houses that had above the number ; and thereupon hath caused divers offices to be found by verdict untruly, that the religious persons so suppressed had voluntarily forsaken their said houses : which was untrue, and so hath caused open perjury to be committed, to the high displeasure of Almighty God.

"20. Also the said lord cardinal hath examined divers and many matters in the Chancery, after judgment thereof given at the common law, in subversion of your laws, and made some persons restore again to the other party condemned, that they had in execution by virtue of the judgment of the common law.

"21. Also the said lord cardinal hath granted many injunctions by writ, and the parties never called thereunto, nor bill put in against them ; and by reason thereof divers of your subjects have been put from their lawful possession of their lands and tenements : and by such means he hath brought the more party of the suitors of this your realm before himself ; whereby he and divers of his servants hath gotten much riches, and your subjects suffered great wrongs.

"22. Also the said lord cardinal, to augment his great riches, hath caused divers pardons granted by the pope to be suspended, which could not be revived till that the said lord cardinal were rewarded, and also had a yearly pension of the said pardon.

WAR-
HAM,
Abp. Cant.

"23. Also the said lord cardinal, not regarding your laws nor justice, of his extort power hath put out divers and many farmers of his lands, and also patentees of the archbishopric of York, and of the bishopric of Winchester, and of the abbey of St. Alban's which hath good and sufficient grant thereof by your laws.

"24. Also the same lord cardinal, at many times when any houses of religion have been void, hath sent his officers thither, and with crafty persuasions hath induced them to compromit their election in him; and before he named or confirmed any of them, he and his servants received so much great goods of them, that in a manner it hath been to the undoing of the house.

"25. Also by his authority legatine, the same lord cardinal hath visited the most part of the religious houses and colleges of this your realm, and hath taken from them the twenty-fifth part of their livelihood, to the great extortion of your subjects, and derogation of your laws and prerogative, and no law hath been to bear him so to do.

"26. Also when matters have been near a judgment by process of your common law, the same lord cardinal hath not
41. only given and sent injunctions to the parties, but also sent for your judges, and expressly by threats commanded them to defer the judgment, to the evident subversion of your laws, if the judges would so have ceased.

"27. And whereas neither the bishop of York, nor Winchester, nor the abbey of St. Alban's, nor the profit of his legation, nor the benefit of the Chancery, nor his great pension out of France, nor his wards and other inordinate taking could suffice him, he hath made his son Winter to spend seven and twenty hundred pounds by the year, which he taketh to his own use, and giveth him not past two hundred pounds yearly to live upon.

"28. Also whereas the said lord cardinal did first sue unto your grace to have your assent to be legate de latere, promising and solemnly protesting before your majesty, and before the lords both spiritual and temporal, that he would nothing do nor attempt by the virtue of his legacy, that should be contrary to your gracious prerogative or regality, or to the damage or prejudice of the jurisdiction of any ordinary, and that by his legacy no man should be hurt nor offended: and upon that

In this impeachment it is confessed the cardinal had the king's licence to exercise his legatine commission.

condition and no other, he was admitted by your grace to be legate within this your realm: this condition he hath broken, as is well known to all your subjects. And when that he made this promise, he was busy in his suit at Rome to visit all the clergy of England, both exempt and not exempt.

"29. Also upon the suit of the said lord cardinal at Rome to have his authority legatine, he made untrue surmise to the pope's holiness against the clergy of your realm; which was, that the regular persons of the said clergy had given themselves 'in reprobum sensum;' which words St. Paul, writing to the Romans, applied to abominable sin; which slander to your Church of England, shall for ever remain in the register at Rome against the clergy of this your realm.

"30. Also the said lord cardinal had the more part of the goods of doctor Smith, late bishop of Lincoln; bishop Savage, of York; master Dalby, archdeacon of Richmond; master Tonyers; doctor Rothall, late bishop of Durham; and of doctor Fox, late bishop of Winchester, contrary to their wills, and your laws and justice.

"31. Also at the oyer and terminer of York, proclamation was made that every man should put in their bills for extortion of ordinaries; and when divers bills were put in against the officers of the said lord cardinal of extortion for taking twelve pence of the pound for probation of testaments, whereof divers bills were found before justice Fitz-Herbert, and other commissioners, the said lord cardinal removed the said indictments into the Chancery by certiorari, and rebuked the said Fitz-Herbert for the same cause.

"32. Also the said lord cardinal hath busied himself, and endeavoured by crafty and untrue tales to make dissension and debate amongst your nobles of your realm, which is ready to be proved.

"33. Also the said lord cardinal's officers have divers times compelled your subjects to serve him with carts for carriage, and also his servants hath taken both corn and cattle, fish, and all other victual, at your grace's price, or under, as though it had been for your grace, which is contrary to your laws.

"34. Also the said lord cardinal hath misused himself in your most honourable court, in keeping of as great estate there

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in your absence, as your grace would have done if you had been there present in your own person.

"35. Also his servants, by virtue of your commission under your broad seal, by him to them given, have taken cattle and all other victual, at as low a price as your purveyors have done for your grace by your prerogative, against the laws of your realm.

"36. Also where it hath been accustomed, that your purveyors for your honourable household have had yearly out of your town and liberty of St. Alban's, three or four hundred quarters of wheat; truth it is, that since the lord cardinal had the room of the abbot, your said purveyors could not be suffered by him and his officers to take any wheat within the said town or liberty.

"37. Also he hath divers times given injunctions to your servants that have been for causes before him in the Star-chamber, that they, nor other for them, should make or labour by any manner of way, directly or indirectly, to your grace, to obtain your grace's favour or pardon, which was a presumptuous intent for any subject.

"38. Also the said lord cardinal did call before him Sir John Stanley, knight, which had taken a farm by convent seal of the abbot and covent of Chester, and afterwards by his power and might, contrary to right, committed the said Sir John Stanley to the prison of Fleet by the space of a year, unto such time as he compelled the said Sir John to release his convent seal to one Leghe of Adlington, which married one Lark's daughter, which woman the said lord cardinal kept, and had with her two children. Whereupon the said Sir John Stanley upon displeasure taken in his heart, made himself monk at Westminster, and there died.

"39. Also on a time your grace being at St. Alban's, according to the ancient custom used within your verge, your clerk of the market doing his office, did present unto your officers of your most honourable household the prices of all manner of victuals within the precinct of the verge. And it was commanded by your said officers to set up the said prices both on the gates of your honourable household, and also within the market-place within the town of St. Alban's, as of ancient custom hath been used. And the lord cardinal, hearing the

same, presumptuously, not like a subject, caused the aforesaid prices, which were sealed with your grace's seal, accustomedly used for the same, to be taken off and pulled down in the said market-place where they were set up, and in the same places set up his own prices sealed with his seal, and would, if it had not been letted, in semblable manner have used your seal standing upon your gates: and also would of his presumptuous mind have openly set in the stocks within your said town, your clerk of your market. By which presumption and usurpation, your grace may perceive, that in his heart he hath reputed himself to be equal with your royal majesty. 42.

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"40. Also the said lord cardinal, of his further pompous and presumptuous mind, hath enterprised to join and imprint the cardinal's hat under your arms in your coin of groats made at your city of York, which like deed hath not been seen to be done by any subject within your realm before this time.

"41. Also where one Sir Edward Jones, clerk, parson of Orewley, in the county of Bucks, in the eighteenth year of your most noble reign, let his said parsonage, with all tithes and other profits of the same, to one William Johnson, by indenture for certain years, within which years the dean of the said cardinal's college in Oxford pretended title to a certain portion of tithes within the said parsonage, supposing the said portion to belong to the parsonage of Chicheley, which was appointed to the priory of Tykeford, lately suppressed, where (of truth) the parsons of Orewley have been peaceably possessed of the said portion out of the time of mind; hereupon a subpoena was directed to the said Johnson to appear afore the lord cardinal at Hampton-court, out of any term, with an injunction to suffer the said dean to occupy the said portion. Whereupon the said Johnson appeared before the said lord cardinal at Hampton-court, where, without any bill, the said lord cardinal committed him to the Fleet, where he remained by the space of twelve weeks, because he would not depart with the said portion. And at the last, upon a recognizance made that he should appear before the said lord cardinal whensoever he was commanded, he was delivered out of the Fleet; howbeit, as yet the said portion is so kept from him that he dare not deal with it.

"42. Also where one Martin Docowra had a lease of the manor of Balsall, in the county of Warwick, for term of certain years, an injunction came to him out of the Chancery by writ,

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upon pain of a thousand pounds, that he should avoid the possession of the same manor, and suffer Sir George Throckmorton, knight, to take the profits of the same manor, to the time the matter depending in the Chancery between the lord of St. John's and the said Docowra was discussed. And yet the said Docowra never made answer in the Chancery, nor ever was called into the Chancery for that matter; and now of late he hath received a like injunction upon pain of two thousand pounds, contrary to the course of the common law.

"43. Also whereas in the parliament chamber, and in open parliament, communication and devices were had and moved, wherein an incident mention was made of matters touching heresies and erroneous sects: it was spoken and reported by one bishop there being present, and confirmed by a good number of the same bishops, in presence of all the lords spiritual and temporal then assembled, that two of the said bishops were minded and desired to repair unto the university of Cambridge, for examination, reformation, and correction of such errors as then seemed and were reported to reign among the students and scholars of the same, as well touching the Lutheran sect and opinions, as otherwise: the lord cardinal, informed of the good minds and intents of the said two bishops in that behalf, expressly inhibited and commanded them in no wise so to do. By means whereof, the same errors, as they affirmed, crept more abroad, and took greater place; saying furthermore, that it was not in their defaults that the said heresies were not punished, but in the said lord cardinal, and that it was no reason any blame or lack should be arrected to them for his offence. Whereby it evidently appeareth, that the said lord cardinal, besides all other his heinous offences, hath been the impeacher and disturber of due and direct correction of heresies, being highly to the danger and peril of the whole body, and good Christian people of this your realm.

"44. Finally, forasmuch as by the aforesaid articles, is evidently declared to your most royal majesty, that the lord cardinal, by his outrageous pride, hath greatly shadowed a long season your grace's honour, which is most highly to be regarded, and by his insatiable avarice, and ravenous appetite, to have riches and treasure without measure, hath so grievously oppressed your poor subjects with so manifold crafts of bribery and extortion, that the commonwealth of this your grace's

realm is thereby greatly decayed and impoverished: and also by his cruelty, iniquity, affection, and partiality, hath subverted the due course and order of your grace's laws, to the undoing of a great number of your loving people,—

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"Please it your most royal majesty therefore, of your excellent goodness towards the weal of this your realm and subjects of the same, to set such order and direction upon the said lord cardinal, as may be to the terrible example of others to beware so to offend your grace and your laws hereafter; and that he be so provided for, that he never have any power, jurisdiction, or authority hereafter, to trouble, vex, and impoverish the commonwealth of this your realm, as he hath done heretofore, to the great hurt and damage of every man almost high and low, which for your grace so doing, will daily pray, as their duty is, to Almighty God for the prosperous estate of your most royal majesty, long to endure in honour and good health, to the pleasure of God, and your heart's most desire.

"Subscribed the first day of December, the 21st year of the reign of our sovereign lord king Henry VIII.

"T. MORE.

T. NORFOLK.

CHARL. SUFF.

THO. DORSET.

H. EXON.

JOHN OXINFORD.

H. NORTHUMBERLAND.

G. SHREWSBURY.

R. FITZWATER.

"T. ROCHEFORD.

T. DARCY.

W. MOUNTJOY.

W. SANDYS.

W. FITZWILLIAM.

HENRY GULDEFORD.

ANTHONY FITZHERBERT.

JOHN FITZJAMES."

To remark a word or two upon some of these articles. The 43. seventh article informs us that the cardinal, by "giving by prevention the benefices of several persons, was in danger of the forfeiture of his lands and goods, and that his body was at the king's pleasure." From whence it is plain, the cardinal was not convicted of incurring a *præmunire* when these articles were exhibited: and that Cavendish has rightly observed the order of time in reporting this matter. For if the cardinal had been cast in a *præmunire*, the impeachment would not have set forth that he was in danger of forfeiting his lands and goods: for the penalty of 16 Rich. II. had been executed upon

Remarks
upon some
of the
articles.

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him already. Neither had he his pardon, nor anything granted him to lose, till the 12th of February.

The nineteenth article sets forth, that the pope had not given him leave to suppress any abbeys, which had more than six or seven religious. This allegation seems to go against matter of fact: for the pope had given Wolsey leave to suppress the priory of Canwell, in the diocese of Lichfield and Coventry. He was likewise furnished with the king's letters-patent for this purpose. In obedience to this authority, the prior and convent surrendered their house and estate to the cardinal: and, as the record has it, "Sponte, et spontanea voluntate et assensu resignaverunt, remiservunt et relaxaverunt, sursum reddiderunt, et quietè clamaverunt prædictum prioratum, ac officium prioratûs ejusdem, in manus cardinalis, una cum omnibus maneriis, possessionibus, et hereditamentis eidem pertinentibus sive spectantibus."

More's
Reports,
fol. 282.

Now that this house had more than seven monks, appears by the recital of the estate: for, first, there are several manors mentioned in the surrender to the cardinal: which seems more than a presumption the house exceeded that number.

22 Henry 8.
Id. ibid.

Secondly. When this priory was forfeited to the crown, upon Wolsey's being cast in a præmunire, the king granted it by act of parliament to the heirs of one Bradborg. This conveyance was made in consideration of a release of a pension of five hundred marks per annum, granted to an ancestor of Bradborn and his heirs, in the reign of king Edward III. Now a perpetual pension of five hundred marks per annum in the reign of Edward III. was a very great estate. From whence we may conclude, that an equivalent in land to such a pension, was much too large a provision for seven monks.

See above,
p. 31.

*The cardinal
misreported
by Fox.
He is not
charged in
the articles
with saying,
"I and the
king."
Fox, vol. 2.
p. 255.*

The fourth article charges him with the presumption of speaking in this manner: "The king and I would you should do thus." From hence it is plain that Fox has misreported the charge, to the cardinal's disadvantage: for, in Fox, the cardinal is impeached of a higher presumption, made to set himself before the king, and to speak in the language of "Ego et rex meus."

The twenty-eighth article declares expressly, he had the king's licence to exercise his legatine authority. And since the cardinal had the king's leave, and "was admitted by his highness," as the article speaks, "to be a legate within this

realm ;" was it not a great hardship he should be indicted upon the statute of *præmunire*? For, as it appears by the process, he was not prosecuted so much for the abuse, as for the bare using his legatine commission. It was for causing the pope's bull to be publicly read in Westminster, and assuming to himself the dignity and jurisdiction of *legatus de latere*. Thus the king made the privilege of his letters-patent a crime, sued against his own licence, and brought the cardinal under a severe forfeiture, for making use of the royal authority.

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bert, p. 263.

And whereas it is said, the cardinal promised to do nothing to the prejudice of the jurisdiction of any ordinary; it is possible he might engage thus far: but then the alleging he broke his promise in visiting the religious houses, will not hold. For, according to the doctrine of those times, the visiting the religious and clergy was a branch of the legatine commission; and therefore St. Bernard, who declaims with great vehemence against the avarice and misbehaviour of some of the legates, makes their visitation of monasteries, and correcting what was amiss in the clergy, a commendable discharge of their commission: "*Redeant fatigati quidem, sed non suffarcinati, simul et gloriantes, non quod curiosa seu pretiosa quæque terrarum attulerint, sed quod reliquerint pacem regnis, legem barbaris, quietem monasteriis, ecclesiis ordinem, clericis disciplinam, &c.*" And within this compass of jurisdiction, the famous De Marca agrees with him. Besides, as the article observes, several of the monasteries were exempted, immediately under the pope, and visitable by none but his legates.

Epist. ad
Eugen. 3.

De Concord.
Sacerdot. et
Imper.
tom. 2. lib. 5.
cap. 48.

In the forty-third article, he is charged for hindering the correction of heresies, and stopping two bishops from going to Cambridge to inquire into the belief of the students, and punish them for Lutheranism. Here the cardinal is impeached for the gentleness of his government, and the charity of his temper. Is a prelate bound then to be of a rigid and prosecuting humour? is it part of his office to rack people to the dimensions of his own faith? One would think the absence of this quality had more of commendation than crime in it.

The twentieth article against the cardinal looks somewhat frivolous: he is charged with reversing judgments at common law, when lord chancellor. What harm was in this, provided the decree was equitable? Is not this frequently done with-

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out censure? And is it not part of the business of the Chancery to moderate the rigour of the common law, and relieve the subject against inferior courts? But no more of this.

Cavendish,
p. 150.
Ld. Herbert,
p. 274.
Id.

As to the whole body of the articles, the lord Herbert observes, that nothing of this nature was objected to the cardinal, till he fell under the king's displeasure; which is a sign that it was the envy and the ambition of his enemies, that formed the impeachment: they maligned his greatness, coveted his post, and, it may be, hoped some part of his wealth might fall to their share. That the articles would not stand the test, is plain, by their being thrown out of the house of commons; where Cromwell, by the cardinal's instructions, disproved and broke the force of them as fast as they were urged.

From hence, I say, it is pretty plain, there was more clamour than proof in the allegations: for when Cromwell came to speak to them, they fell flat, and the bill was dismissed.

A. D. 1529.
44.
Sec Records,
num. 10.

To proceed: the cardinal being stripped of his vast fortune by a præmunire, remained in a very unfurnished condition for some time. And now the hard usage he lay under, and the prospect continuing dark, made an impression upon his spirits, and threw him into a sickness. At the hearing of this, the king began to relent, sent him a ruby and a kind message by his physician, doctor Butts, and prevailed with mistress Anne Boleyn to make him a present at the same time. What effect this glimpse of favour had upon the cardinal's health is uncertain; but he recovered soon after. And the king, to assure him further, passed his pardon on the twelfth of February. This pardon was drawn very full, and takes in the highest articles which had been charged upon him. That it was penned with the utmost advantage and strength of law, may be further proved from Sir Edward Coke's authority. I shall cite this learned gentleman in his own words:—

Coke's In-
stit. pt. 3.
cap. 105. of
Pardons,
fol. 235.

"The most large and beneficial pardons," says he, "which we have read and do remember, were that to William Wickham, bishop of Winchester, (for good men will never refuse God and the king's pardon, because every man does often offend both of them,) and that other to Thomas Wolsey, cardinal, which are learnedly and largely penned."

And now the king gave him further marks of his friendship, restored him the archbishopric of York, and sent him money,

plate, and rich furniture for his house and chapel. Insomuch, HENRY VIII. that it is thought the cardinal had some hopes of recovering The cardinal pardoned, and restored to the archbishopric of York. his interest at court. He petitioned the king for leave to remove from Esher to Richmond, and had some expectation of succeeding in his request. But his enemies suspecting this nearness to the court might make way to his former ascendant, prevailed with the king to send him to his diocese of York. The cardinal being commanded to the north, had no excuse for delay, but want of money; with which he acquainted the king. Upon which complaint, being furnished with a thousand pounds, he set forwards, was remarkably charitable and devout in his journey, and had the respect of great numbers of people, who came to him all along upon the road. And thus, by slow removes, he came to Cawood castle, near York, about the end of September. And here provision was made for a customary and solemn instalment about a month after. But whether the king thought the pomp of this ceremony unseasonable, and too much for a man in disgrace, or whether the cardinal had thrown out some expressions of discontent, is but mere conjecture: A. D. 1530. A seat belonging to the archbishopric. however, it is certain his fate was determined. Cavendish and Lord Herbert. A conjecture upon the cardinal's ruin. Indeed, the true reason why the king resolved his ruin, seems to have been his incomppliance in the divorce. When the cardinal was at Cawood, the king endeavoured strongly to work him to his purpose. Here he was plied with menaces and caresses. Godwin, Annal. Now to what purpose could all this vicissitude of favour and frowns serve? Why, I say, was this expedient made use of, unless it was to prevail upon the cardinal's passion, and bring him to the king's bent? But Wolsey continued inflexible; and the king was disappointed. But what criminal inobsequiousness was there in all this? By the principles of that age, the cardinal was bound to incomppliance. His commission was revoked, and the cause called over to Rome. It was, therefore, not in his power to dissolve the marriage, without renouncing the pope; which was more than had yet been done by the king himself.

Fox pretends Wolsey and Campegio doubled with the king, and deluded him in the business of the divorce. But to say nothing concerning Campegio, it is plain this martyrologist misreports Wolsey: for by what has been cited already, it is sufficiently evident that our cardinal was both sincere and very active in procuring the king satisfaction, and a learned prelate

Fox misrepresents the cardinal. Fox, vol. 2. p. 253.

WAR-
HAM,
Abp. Cant.

Bp. Burnet,
pt. 1. p. 53.
*He is ar-
rested for
high treason.*

*But refuses
to surrender
himself to
the earl of
Northum-
berland.
Cavendish
and Lord
Herbert.*

A. D. 1530.
Nov. 26.
*He falls
sick, and
dies at Lei-
cester.*
Fox, vol. 2.
p. 258.

Cavendish,
p. 170. 180.
186.

Bp. Burnet,
pt. 1. p. 81.

Cavendish,
p. 185.

who is no friend to the cardinal's memory, acquits him of all blame in this particular.

But now the ceremony of the instalment approaching, the cardinal was arrested for high treason by the earl of Northumberland and Sir Walter Walsh. The cardinal, at the earl's coming, received him very friendly, and prepared for his entertainment. But when he understood his business, and was denied a sight of the earl's commission, he refused to obey the arrest. It is probable he might have some reason of disgust against this nobleman. But when Walsh, a gentleman of the privy chamber, appeared, he surrendered himself to him. Cavendish reports, this charge of high treason against the cardinal was a plot of his enemies at court. Indeed, there is little probability of the cardinal's being guilty, if we consider his appeal to the king for his innocence in his last sickness, and his dying words to the same purpose. And, further, a crime of this nature is very unlikely, in respect of the time. For in February last the cardinal was pardoned for all high treasons; since which time, his interest was broken, he had been confined, and acted in no business. After the arrest, he set forward to London; fell sick by the way, and died at the abbey of Leicester. Fox charges the cardinal with poisoning himself. But Cavendish, who attended him, gives no hint of any such suspicion. By this gentleman's report, he died of a dysentery. Indeed, the manner of his carriage is an argument he did not send himself into the other world. For, when he was attached for high treason, he behaved himself with spirit and presence of mind. He refused to obey the arrest, and surrender to the earl of Northumberland. He maintained his innocence with the highest solemnities, pressed for a trial, and desired nothing more than to be brought face to face before his enemies. These, one would think, are no great signs of dejection or despair. By the way, this remark may serve to clear him in some measure from the imputation of cowardice, which a learned historian has lately thrown upon him. But to do him justice against Fox: if there was any foul play, it is most likely it was received from those who had him in custody. For once at dinner, he complained of being taken with an extraordinary coldness at his stomach: upon which, he fell into that sickness, which carried him off.

To say something further of him, by way of character. He

was not altogether without his failings. He seems to have affected pomp and secular grandeur too much. He held the office of lord chancellor, the bishopric of Winchester, the rich abbey of St. Alban's, and the archbishopric of York, all at one time. This, without doubt, was being too great a pluralist. He appears likewise to have been too resigned a courtier, and over obsequious to the king's pleasure; and this excess of compliance he regretted at his last hour. And to this sort of misconduct, a high station lies not a little exposed. But then, to balance these infirmities, he had the mixture of many good qualities. He was, as the lord Herbert observes, a person of great parts and industry; had deservedly the reputation of an able minister, and was courted by the greatest princes. His learning is said to have lain most in school divinity and canon law. But notwithstanding this character of abatement, we do not find he was ever taxed with being underqualified for the Chancery bench. He is much blamed, by some historians, for haughtiness and stiff behaviour. But if this had been his fault, it seems he left it off before his last misfortune. For Cavendish relates, that in his last journey to the north, he gained very much upon all sorts of people: and that he was remarkable, not only for his bounty and exemplary life, but likewise for his condescension and obliging manner. He seems to have been a good-natured master, by the tenderness and regret between him and his family at parting, and his declaring, that no circumstance in his misfortune troubled him so much, as his being disabled from making a provision for his servants. His schemes for the benefit of learning were noble and well laid: as appears by his college at Oxford. He likewise founded a college at Ipswich, for the service of religion and the poor. He likewise designed the founding a society in London, for the civil and canon law. For this purpose, he projected the building a fine stone college. The famous antiquary, Sir Robert Cotton, saw the model of this structure. He built the greatest part of Whitehall, and Hampton-court entirely. The monument of brass, which he left imperfect, was a work of extraordinary curiosity and expense. It is not certain whether he designed this mausoleum for himself or the king. He came into the world with no advantage of family, his father being but a poor man in Ipswich. But Cavendish says nothing of his being a butcher. While the cardinal sat

HENRY
VIII.*His character and benefactions.*Ld. Herbert,
p. 314.Cavendish,
p. 173.
Id. p. 148.
183.Buck, of the
third uni-
versity, &c.
at the end
of Stow,
p. 1078.

WAR-
HAM,
Abp. Cant.
Godwin,
Annal.

at the helm, the kingdom held on in a course of prosperity, and the public motions were steady and strong. But not long after, the government grew perplexed and unacceptable: and the face of things was much altered both at home and abroad. And to speak softly, it must be said, the king crushed this minister with a very indifferent grace. Indeed the king had shown himself somewhat arbitrary with the cardinal, before the præmunire. He had obliged Wolsey to resign his benefices in the diocese of Winchester, to the disposal of the crown. There was a commission made out for this purpose; which being an unprecedented command, I shall transcribe it into the records for the reader.

See Records,
num. 11.

An uncharitable interference in Fox.

Fox, vol. 2.
p. 258.

Fox, after he has lashed the cardinal's memory, and overloaded him with censure, draws a remark of disadvantage upon the clergy, from this one instance. He makes the cardinal a sort of pattern, by which we are to judge of the rest of the hierarchy. Now, supposing the worst of the cardinal's character had been true, which way are all the spirituality concerned in the imputation? Can anything be more injudicious, and lean-tempered, than to throw the blemishes of a single person upon a whole order of men? An author, who gives such broad signs of disaffection, and censures at this loose rate, should be read with great caution.

A. D. 1529.

Ld. Herbert,
p. 229.
Id. p. 292.

A parliament called. Lutheranism gains ground in England.

To go back a little: last summer the treaty of Cambray was concluded between the emperor and the French king. By an article in this peace, king Francis's two sons were discharged, who had been given as hostages for the performing the capitulation at Madrid. The French king, being obliged to the king of England for the enlargement of his children, held on his correspondence, and acquainted the king with what passed at Cambray.

In the beginning of November this year, the king called a parliament. The lord Herbert observes, the Lutheran tenets had gained ground in several places of England; and that the common people began to question some of the received doctrines and fall off from implicit belief. On the other hand, the leading churchmen thought all innovation dangerous, and that the fundamentals of religion might suffer this way. This conclusion, says the noble historian, was a fatal mistake. For, in the beginning of these debates, a little mitigation of rigour, a voluntary relaxation of some of the late doctrines

of the Church of Rome, and a favourable construction of the rest, might have proved an admirable expedient. By this means extremities might have been prevented, and the peace of Christendom preserved. For want of such moderate compliance the rupture followed. Now separations commonly raise ill blood, and make the spirits turn eager. Divisions occasion disaffection; and, when prejudice and partialities run high, men lose their way in the controversy, and truth suffers in the contest; and, when books are ignominiously suppressed, and persons ruggedly treated for their dissent, as some were in England, the aversion is still more inflamed. These severities made the Lollards and Lutherans fall foul upon the clergy, and print invectives against the whole order. These remonstrances coming to the king's ear, made him inquire into matter of fact, and refer the grievances to the parliament. In the house of Commons several bills were brought in for relief against the exactions of the clergy: one was to moderate their demands for probate of wills; and another for the regulating of mortuaries: they likewise complained of the plurality of benefices, of non-residence, and churchmen being farmers of lands. This business did not pass without satirical remarks upon the mismanagement of the clergy.

HENRY
VIII.*Incompliance and rigour
wrong expedients.**Complaints
of the exactions and
misconduct
of the clergy.*

When these bills were sent into the house of Lords, Fisher, bishop of Rochester, delivered himself with some vehemence against the Commons. He told the lords all heat and censure of this kind proceeded from want of faith; letting them know the danger the kingdom was in, by the fate of Bohemia. The lower house complained to the king of the bishop's speech, and moved for reparation. Fisher, to avoid the shock, explained himself to an inoffensive sense, and said, by those who wanted faith, he meant only the people of Bohemia. This construction the king ordered Sir William Fitz Williams to report to the lower house: and thus, by his majesty's interposing, the matter was passed over. However, the affront, as it was counted, occasioned one of the members to make an odd speech upon the subject of religion. The bishop of Rochester had complained that the charge of abuses upon the hierarchy proceeded from disaffection: and that nothing would content the Commons but pulling down the Church. From the bishop's calling the clergy the Church, this gentleman takes the rise of his speech.

WAR-
HAM,
Abp. Cant.
*A speech in
the house of
commons
concerning
religion.*

"Did the bishop of Rochester," says he, "and his party talk only in this manner, I should be the less concerned at the language. But since there are so many diversities of sects, so many distinctions in religion, so many who enclose the true Church, and appropriate the privilege of catholic communion to themselves: since upon this claim, they both invite and menace to conformity, and press a resignation to our belief without hesitancy or scruple; these things considered, I shall crave leave to propose, how it is proper for us of the laity to manage ourselves: not that I pretend to be infallible in my expedient, or would settle my opinion for a rule of practice: but I conceive an affair of this nature is of the last importance, and therefore should be thoroughly debated.

"I grant in all resolutions of moment, it is difficult to manage with temper, to stop at the right point, and keep off
46. from running into extremes. The danger of a false step is still greater in religious matters: for here the path is narrow, the ground often slippery, and the precipices deep on either side. And because the chief business of man's life is to inquire into the means of being happy for ever, it is fit he should not resign himself to chance, but carefully compute upon the qualities and conduct of his spiritual guides. For those, who take this charge upon them, differ not only in ceremonies and circumstances, but the main doctrines are sometimes opposite and inconsistent with each other. What then is to be done? Are we to deliver ourselves up to the first pretender, and take the religion of our country upon content? How can a man satisfy his conscience by being thus implicit? Let him but look abroad, and he will see the heaviest denunciations imaginable against his own belief. And yet amongst those who censure thus deeply, he will find persons of equal abilities with his own instructors. Now is it reasonable for him to believe, that God has confined truth and happiness to his single religion, and abandoned the rest of mankind? Especially, since all the world are descended from the same common ancestors, and equally related to God Almighty: is every man therefore bound to believe the priests of his communion, without trial or reserve? On the other hand, if he must argue for his faith, and dispute every inch of ground, what length of time is sufficient for the inquiry? What fatigue and expense must be gone through for satisfaction? How many languages must be learned, and

authors turned over? How far must he run up into antiquity? How many systems and schemes of belief must he examine? How many expositions of doctrine must be compared? How many seeming contradictions reconciled? What distant countries must be travelled, and what hazards undergone upon this score? At this rate, a man must be always rambling, and in motion, to find out the right way into the other world. How then is he to manage himself? Is every thing, or nothing to be believed? To be indifferent to all sects, and close with all communions, is senseless and unaccountable. On the other side, to throw off all religion, is singular, wicked, and unsafe. To turn sceptic to this degree, is little short of distraction: for the most barbarous people are not without the worship of a supreme Being. The medium, therefore, between these two extremes, is to search upon the main, and distinguish: not that we can reach the extent of each division, or go the whole length of the comparison. But notwithstanding the impracticableness of such an inquiry, yet every man may collect the more essential and demonstrative parts of his own religion, and lay them by themselves. Neither ought he to be overruled in this freedom by the discountenance of any other persuasion. Having thus exerted his reason, and implored the assistance of the Supreme Being, his next business will be to find out what inward means Providence has furnished for a test of truth and falsehood: and not only so, but which way the approaches towards these qualities may be discovered: and by what marks we may pronounce upon the degrees of probability.

“Neither will this method deliver him up to the guidance of private reason, which may mislead him to heresy: for by throwing aside all doubtful and controverted points, nothing but common and universal truths will remain. And thus the generally acknowledged doctrines will be a sort of touchstone to try the respective articles of belief proposed to him. The keeping this high road is the best direction not to go wrong in his journey. By holding to this rule he will find how far the impressions of God’s wisdom and goodness are visible upon all mankind: how far he has gone in the general instruction: and to what degrees his universal providence extends. And thus by ascending towards God by the same steps he descends to us, the inquirer cannot miss the meeting with the divine Majesty. What if these truths are perplexed with difficulties, and con-

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fine upon error? He ought not to depend upon this score. His interest will be to keep to uncontested points, and range them in a method. Neither will this latter task give much trouble, since these catholic verities are few, and naturally disposed to connexion. And thus those who are our teachers, should imitate our conduct, and manage by these maxims for inquiry. To proceed otherwise, is in effect to bid us not make use of the benefit and brightness of the day, but only study by their candle. Upon the whole, it is certainly worth the while to examine how far these universal notions will carry us, before we resign ourselves to mysteries and supernatural discovery. Not but this way of information may justly challenge our belief, when the testimony is good, and the conveyance warrantable.

"And to bring our principles to instance and application, if we look into the several ages and quarters of the world, we shall find a Supreme Being, distinguished from other questionable and ministerial deities, and worshipped with a proportionable regard.

"Amongst diversities of rites and ceremonies, delivered as parts of divine worship, we shall perceive virtue under a distinguished preference: and that the rest are but circumstantial, and attendant upon it. Insomuch, that there is no sacrament without a view upon this quality. For the purpose, benevolence, and regular practice, faith, and the love of God, are such essentials of religion, that all exercises of discipline, all the train of externals, all holy applications, are performed in order to these, and subservient to them.

"Amongst the several expiations for sin prescribed in the world, we shall find nothing to the purpose without inward regret for our miscarriages, and submission to the God we have offended.

"And lastly, notwithstanding the different opinions of former ages with respect to rewards and punishments, we shall find the justice and mercy of God not limited to this life: no; these attributes are at liberty to exert after death, and to cherish or correct for ever.

"These clear universal truths," continues he, "should be first entertained. These will secure us from impiety and atheism, lay a foundation for divine service, and raise us to the hopes of a better life. Thus men will be brought off from controversy and jangling, and settled upon the practice of virtue. And

when they fail in their duty, they will seriously apply to repentance and reformation; without making pardon so cheap and mercenary, as it sometimes happens. Besides, this method ^{HENRY VIII.} 47. will dispose us to union and a good correspondence. For when we are agreed about these primary truths, these necessary means of salvation, why should we fall out about the rest? These principles exclude nothing of faith or tradition; they allow the benefit of miracles: they only deny us the liberty of ill-nature; and bind us up from breaking into parties and animosities about lesser matters. Let us therefore furnish ourselves with these catholic notions: they will never check the progress of our faith, nor weaken the authority of the Church: so that whether the eastern or western Christians, whether my lord of Rochester or Luther, whether Eccius or Zuinglius, Erasmus or Melancthon are in the right, we of the laity shall suffer nothing by the disagreement. These universal verities, these infallible grounds of religion, already suggested, will be easily reconciled with particular opinions. For, to conclude, these foundations are strong enough to bear whatever superstructures of faith are raised upon them."

Ld. Herbert,
p. 293.

This odd speech is not mentioned either by Hollinshed, Goodwin, or Stow: neither does lord Herbert tell us the person's name. All that I shall observe upon this freethinker is, that he gives too much liberty to private reason: his maxims are dangerous, and his scheme ill suited to the general capacity. The bills concerning probate of wills, &c. above-mentioned, passed in this parliament.

I have already observed some regulations were made in this session concerning mortuaries; it is said the lords spiritual opposed the passing this bill with a great deal of vehemence and satire. But Fox reports the bishops much more to advantage. This historian expressly assures us that the first bills sent up from the commons to the lords were warmly contested; and after a great length of debate, came to nothing. Upon this disappointment, two new ones were drawn by the king's order, which appeared so reasonable, that the spiritual lords made no difficulty to pass them.

Bp. Burnet's
Hist. Re-
form. part 1.
p. 83.
Fox, p. 995.
edit. 2.

*The lords
spiritual
passed the
last bill
concerning
mortuaries
without
opposition.*

In the act against pluralities, chaplains to noblemen, both spiritual and temporal, are allowed the privilege of a dispensation, for two benefices. But then they are mentioned with

*Office of
a chaplain.*

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Moral Es-
says, pt. 1.

disadvantage in another respect. Their character is somewhat maimed, and encumbered by the language of the statute. But whether the commission of priests can be sunk, or their relation to the laity inverted, I have elsewhere considered at large.

To proceed: in this act there is a remarkable clause with reference to the see of Rome. The words are these:—

21 Henry 8.
cap. 13.
*Suing to
the court of
Rome for
dispensations
prohibited.*

“And if any person or persons, at any time after the first day of April, in the year of our Lord God one thousand five hundred and thirty, contrary to this present act, procure and obtain at the court of Rome, or elsewhere, any license or licenses, union, toleration, or dispensation, to receive and take any more benefices with cure than is above limited, shall for every such default incur the danger, pain, and penalty of seventy pounds sterling. And also lose the whole profits of every such benefice or benefices as he receives or takes by force of any such license or licenses, union, toleration, or dispensation.

A. D. 1529.

“And if any person or persons procure or obtain at the court of Rome, or elsewhere, any manner of license or dispensation to be non-resident at the said dignity, prebend, or benefices, contrary to this act, that then any such person or persons putting in execution such dispensation or license for himself from the said first day of April, in the year of our Lord God one thousand five hundred and thirty, shall run and incur the penalty, damage, and pain of twenty pounds sterling, for every time so doing, to be forfeited and recovered, &c. And such license or dispensation so procured or to be put in execution, to be void, and of none effect.”

*The first
check upon
the pope's
supremacy.*

Bp. Burnet,
Hist. Re-
form, pt. 1.
p. 136.

Fox, p. 295.

This clause gave the first blow to the pope's supremacy in England; and upon this view we find these two paragraphs of this act, repealed the first and second of Philip and Mary. From hence it appears the forbidding the payment of annates, was not the first step towards a breach with the court of Rome. It is true the spiritual lords opposed the passing this bill. The unusual check given to the pope's authority was plainly the bishops' reason for dissenting to this bill: for we are to observe the court of Rome, having exercised a sort of unlimited sway over the English Church for several ages, it is

no wonder the bishops should be surprised at these clauses of the act, and not disentangle themselves on the sudden. But then our learned historian's remark, that they opposed "this and all other motions for reformation," is over severe, as will appear upon the course of this work.

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Bp. Burnet,
pt. 1. p. 83.

There is another clause in this act, which forbids all spiritual persons the having or occupying, by himself or any other, to his use, any parsonage or vicarage in farm, of the lease or grant of any person or persons, or to take any profit or rent out of any such farm, upon pain to forfeit forty shillings for every week, and to lose ten times the value of such profit or rent as he shall take out of any such farm. All spiritual persons, both secular and regular, beneficed with cure, are forbidden under the same forfeiture to take any stipend or salary to sing for any soul.

The clergy of the province of Canterbury thought their privileges somewhat embarrassed by this act, and particularly by the clause last-mentioned. Upon this view, they address the king for protection in their rights and immunities settled by the constitution; and that they may be in a better condition to avoid giving offence to his highness, they desire the statutes of Præmunire may be further explained in parliament, and the cases where the penalty is incurred, expressly declared: and that it may not be lawful for the temporal courts to award a writ of Præmunire against ecclesiastical judges, unless in the cases named in the statute, and after the grant of a prohibition. And they complain in their petition that this present parliament has pressed hard upon the liberties of the Church. That by enacting some things of this nature, they have plainly hazarded their salvation, and made themselves liable to the censures of the Church. They remonstrate further, that they neither by themselves, nor their proxies, consented to the passing this act, neither were they consulted in the matter. And, lastly, they take the freedom to say, that there was something of injustice in the law, that the penalties were excessive, and that by disabling poor vicars from farming their rectories, they must be thrown out of all capacity of living hospitably.

See Records
num. 29.

This year Sir Thomas More, privy counsellor, and chancellor of the duchy of Lancaster, wrote a book, entitled, "The Supplication of Souls," supposed in purgatory. It is written in answer to a pamphlet called, "The Supplication of Beggars."

"Supplication
of
Beggars"
answered by
Sir Thomas
More.

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This beggars' supplication is a feigned address to the king. In this application, they acquaint his highness their numbers are much increased, and that they were starved for want of sufficient relief. That this calamity was brought upon them by the clergy's engrossing the wealth of the kingdom. This pamphlet computes the number of the clergy with respect to the laity, and then concludes, they ought only to have the two hundredth part of their income left them. Sir Thomas More, in giving a character of this performance, tells us, "whosoever shall read this book shall soon perceive flourishing without fruit, subtilty without substance, rhetoric without reason, bold babbling without learning, and wiliness without wit."

*Some of the
singularities
of this book.*
More's
Works,
p. 290.
Id. p. 291.

Id. p. 295.

To go on: "The Beggars' Supplication" condemns the vows of chastity, and rails horribly against the clergy and religious. He misreports the clergy, as if they fomented rebellion, and were in a practice against the state. And yet has the resolution to menace the government. For he makes no scruple to say, that unless there is liberty granted to declaim against the Church, the king would be in danger of losing his crown.

Ibid.

Id. p. 301.

The supplicator advances in his singularities, and declares against founding of hospitals for the support of the poor. Instead of this common method of charity, he pretends to lay down a more serviceable project. The most effectual relief for the beggars is, to put the Church under contribution, and strip the clergy of all their estates. And to make this expedient go down the better, he tells the king the clergy are bound to manual labour, and to maintain themselves by the sweat of their faces. This declaiming against the revenues of the clergy, is exactly the doctrine of the Lollards, and has been already considered.

Id. p. 302.

Id. p. 303.
See my
Ch. Hist.
pt. I.
p. 661.

The supplicator complains, that no provision of the state can be proof against the covetousness of the clergy: he means the statute of Mortmain, and pretends the ecclesiastics broke through it. To show the unreasonableness of this clamour, Sir Thomas More replies, that the statute of Mortmain was not made for the sole advantage of the temporality: that the Church had likewise a share in the benefit of this act. For if the tenants of a bishop or abbot alienate their lands, these spiritual persons have a remedy by this law, no less than an earl or a duke.

More,
p. 333.

It is probable the publishing this pamphlet, with some others

of a resembling kind, occasioned the putting out a proclamation against the Lollards; in which the teaching, preaching, or abetting the opinions of Wickliffe, Luther, or others of that persuasion, are forbidden. This proclamation, likewise, forbids the importing or printing any books contrary to the received doctrine of the Church. And for the more effectual execution of this order, the judges and justices of peace are commanded to inquire after such offenders, to apprehend and deliver them to the bishops and their commissaries, in order to their trial.

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A proclamation to suppress the Lollards' books.

Regist.
Tunstal,
fol. 145.

The beginning of the next year, Edward Crome, doctor in divinity, and rector of St. Antholin's, London, being delated for preaching erroneous doctrine, and convented before the bishop of London, and others of the same character, at York-place, purged himself upon the articles following:—

Dr. Crome's recantation.
A. D. 1530.

1. He declares his belief, that departed souls suffer, and are detained in purgatory.

2. That the holy martyrs, apostles, and confessors deceased, ought to be honoured and prayed to.

3. That the saints in heaven are our mediators, and pray for us.

4. That pilgrimages, and oblations to the sepulchres and relics of the saints, are consistent with piety, and to good purpose.

5. That the Lent fast, and other times of abstinence prescribed by the canons, and customarily practised amongst Christians, are to be observed, unless in cases of necessity.

6. That it is of necessity to salvation, to believe God confers grace upon the use of the seven sacraments, provided the persons receiving are rightly qualified.

7. That it is a laudable and profitable practice to set up images in churches, in memory of our Saviour and his saints.

8. That the prayers of the living are serviceable to those in purgatory.

9. That fasting, and other works of piety, are beneficial, or meritorious.

10. That those who, upon the score of erroneous doctrines, are silenced by their ordinary, ought neither to preach nor teach, till they have purged themselves before their superiors, from such imputation.

11. That kings, and other chief magistrates, are not neces-

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sarily bound to give the people the holy Scriptures in the vulgar tongue, as long as they may be instructed in all points necessary to salvation by other methods.

12. That with respect to the exigence of the juncture, it is lawful for kings, when they are convinced of the reasonableness of such management, to forbid the putting the Scriptures into the people's hands in the vulgar tongue.

13. That the customary consecrations, sanctifications, and benedictions, received in the Church, are commendable usages.

14. That he always believed the above-mentioned opinions true, and that, in his judgment, the contrary cannot be maintained without error.

Regist.
Tunstal,
fol. 135.

About two months forward, archbishop Warham had a meeting of several persons of learning and character at Lambeth: the business was to examine the books of the Wickliffists: to this purpose, there was an instrument drawn up and signed, in which we have a recital of the Lollards' tenets; I shall give the reader an extract of this matter. The instrument begins thus:—

Regist.
Warham,
fol. 188.
*An extract
of the opi-
nions of the
Wickliffists.*

May 24.
A. D. 1530.

“In the name of God. Amen. Be it known to all and singular true and faithful Christian people, to whom these present letters testimonials, or these present public and authentic instruments shall come, and whom here underwritten shall or may appertain in any manner or wise in time to come: William, by the sufferance of Almighty God, archbishop of Canterbury, &c., sends greeting in our Lord God everlasting. We signify unto you all, and let you well weet and know by these

49. presents, that where the king our sovereign lord hearing many books in the English tongue containing many detestable errors and damnable opinions, printed in countries beyond the sea, to be brought into divers towns and sundry parts of this his realm of England, and sown abroad in the same, to the great decay of our faith, and the perilous corruption of his people, unless speedy remedy were briefly provided: his highness, willing evermore to employ all his study and mind in the high degree to which Almighty God has called him unto, to the wealth of his subjects, that they might live, not only in tranquillity and peace, but also to keep pure and clean of all contagion of wrong opinions in Christ's religion: considering

also that he being defender of the faith, would be full loath to suffer such evil seed sown amongst his people so to take root, that it might overgrow the corn of the Catholic doctrine, before sprung in the souls of his subjects: for the repelling of such books, calling unto him, of his great goodness and gracious disposition, not only certain of the chief prelates and clerks of his realm, but also of each university, a certain number of the chief learned men of them, purposed such of those books as his grace had read, therefore unto them to be read: requiring to hear in that behalf, their advice and judgments of them; who both by great diligence and mature deliberation, perusing the said books, found in them many heresies both detestable and damnable, being of such a sort that they were like, briefly, to corrupt a great part of his people, if they might be suffered to remain in their hands any space; gathering also out of them, many great errors and pestilent heresies, and noting in writing, to the intent to show for what cause they reputed the said books damnable; of which hereafter, out of each book gathered, many do ensue: albeit many more there be in those books, which books totally do swarm full of heresies and detestable opinions. Hereafter follow the heresies and errors in the book called the 'Wicked Mammon;' viz. Faith only does justify us. 2. The law does make us to hate God, because we are born under the power of the devil. It is impossible for us to consent to the will of God. The law requires impossible things of us. The Spirit of God turns us and our nature, that we do good as naturally as a tree does bring forth good fruit. 3. Works do not only declare to thee, that thou art justified. 4. Christ, in all his deeds, did not deserve heaven. Labouring in good works to come to heaven, thou dost shame Christ's blood. 17. Saints in heaven cannot help us thither. To build a church in honour of our Lady, or any other saint, is in vain: they cannot help thee, they be not thy friends. 18. All flesh is in bondage of sin, and cannot avoid to sin continually. 27. The commandments be given us not to do them, but to know our damnation, and call for mercy to God. 28. Fasting is only to avoid surfeit, and to tame the body, all other purposes are naught. 36. To bid the poor man pray for me, is only to remember him to duty, not that I have any trust in his prayer. 38. Though thou give me a thousand pound to

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VIII.*This book
was written
by Tyndal.*

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pray for thee, I am no more bound now than I was before. 40. A good deed done, and not of fervent charity, as Christ's was, is sin. The worst Turk living has as much right to my goods at his need, as my own household, or I myself. 42. Alms deserve no need. There is no work better than another to please God. To wash dishes and to preach, is all one as touching the deed to please God. 44. Ceremonies of the Church have brought the world from God. 45. Beware of good intents, they are damned of God. 46. See thou do nothing but that God bids thee. Churches are for preaching, and not as they be used now. 47. To worship God otherwise than to believe that he is just and true in his promise, is to make God an idol. Pharaoh had no power to let the people depart at God's pleasure. 61. Our prelates in sin, say they have power. We be so in captivity of the devil, and he holds our will in his power, that we cannot consent to God's law, and his will is impossible for us. Every man is lord of another man's good. I am bound to love the Turk with the very bottom of my heart."

Errors, blasphemies, and heresies, noted in the book of "The Revelation of Antichrist," and in the epistle going before. "To bind a man perpetually to any vow of religion, is, without doubt, an error. (fol. 19. pt. 2.) To say that constitutions of religion are good, because holy men did ordain them, as Augustine, Benedict, Bernard, Francis, Dominico, and such other: this is to leave the faith, and to follow the examples of Fathers in some things, hoc est in istis rebus, erring. (fol. 19. pt. 1.) Whosoever first ordained universities, be he Alexander D'Hales, St. Thomas, or any other, he was a star that fell from heaven to earth: there are brought in, moral virtues for faith, and opinions for truth. (fol. 32, 33. pt. 2.) The universities are the confused cloud and open gate of hell, and this cloak of all other is most noisome, and does most hurt and damage. (fol. 31. pt. 1.) All moral divines have a wicked conscience full of scruplicity. (fol. 34. pt. 1.) Not only the popish wicked, but the popedom itself, and the office is iniquity, and is such a power, that it suppresses the faith and gospel, and cannot be administered by a good prince, but by the adversary of Christ. (fol. 52. pt. 2.) In the whole new law is no urgent precept

not grievous, but only exhortations to observe things necessary for soul health. (fol. 63. pt. 2.) Moral virtues, as justice, temperance, strength, and chastity, described by natural reason, make a synagogue, and corrupt Christ's faith. (fol. 64. pt. 2.) Christ took away all laws, and makes us free and at liberty, and most of all he suppresses all ceremonies, &c. (fol. 63. pt. 2.) If the pope would make all the observation of ceremonies, as Lent, fasting, holidays, confession, matrimony, mass, matins, and relics, &c. free and indifferent, he should not be antichrist: but now because he commands it in the name of Christ, he does utterly corrupt the Church, suppress the faith, and advance sin. (fol. 67. pt. 2.) To believe in Christ, makes sure inheritance with Jesu Christ. (fol. 1. pt. 1.) If a man say, 'Then shall we no good work do?' I answer as Christ did, 'This is the work of God, to believe in him that God sent.' (parts 1 and 2.) Numbering of sins makes a man a more sinner, yea, a blasphemer of the name of God. (fol. 3. pt. 1.) Sin cannot condemn us, for our satisfaction is made in Christ, who died for us. (fol. 4. pt. 1.) I will show you an evident argument and reason that thou mayest know without doubt, who is antichrist, all they that do pursue are 50. antichrists; the popes, bishops, cardinals, and their adherents, do pursue ('persequuntur,' I suppose), therefore they are Antichrist: I ween our syllogisms be well made. (fol. 9. pt. 2.) I think verily that so long as the successors of the Apostles were persecuted and martyred, they were good Christian men, and no longer. (fol. 10. pt. 1.)"

There are a great many more odd propositions drawn out of this book, which I omit. To proceed to the archbishop's instrument:—

Errors and heresies contained in the book called "The Sum of Scripture:" viz. "The water of the font has no more virtue in it than the water of the river: the baptism lies not in hallowed water, or in any other outward thing, but in the faith only. (fol. 6. pt. 1.) The water of baptism is nothing but a sign that we must be under the standard of the cross. (fol. 12. pt. 2.) We have as great right, and as much, to heaven, as Christ. (fol. 19. pt. 1.) We need not to labour to be Christ's heirs and sons of God, and to have heaven; for we have all

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these things already. (fol. 27. pt. 1.) All that thinketh that their good works help any thing, or profit any thing to get the gift of salvation, they blaspheme against God, and rob God of his honour. (fol. 28. pt. 2.) To serve God in tediousness, or for fear of hell, or for the joys of heaven, is but a shadow of good works; and such service does not please God. (fol. 41. pt. 1.) Jews kept the commandments and the law of God, yet they could not come to heaven. (fol. 43. pt. 2.) If works might have saved, Abraham, Isaac, and Jacob, and David had been saved before the nativity of Christ. (fol. 44. pt. 1.) Christian men, among themselves, have nought to do with the sword, nor with the law, for that is to them neither needful nor profit. (fol. 109. pt. 2.) The Gospel makes all true Christian men servants to all the world. (fol. 110. pt. 1.) Christ says, 'that no Christian shall resist evil,' nor sue any man at the law. (fol. 110. pt. 2.) A true Christian man never plaineth to the judge of the injury that is done unto him. (fol. 114. pt. 1.) The obedience of a Christian man to temporal power, is as Christ was obedient to temporal puissance, and paid tribute money, not because that he ought it, but because he would not offend; so must a Christian man do: but when that lords ask nought, thou oughtest them nought before God, &c. (fol. 116. pt. 2.) Men of war are not allowed by the Gospel: the Gospel knows peace, and not war. (fol. 113. pt. 1.) Some texts of canon law suffer war, but the teaching of Christ forbids wars. (fol. 118. pt. 1.) Nevertheless, when a city is besieged, or a country invaded, the lord of the country is bound to put his life in jeopardy for his subjects. (ibid.) God took Enoch away, that is to say, he departed out of this world like other men. (fol. 44.) David's good intent, and Nathan's, in building the Temple, were naught."

There are likewise several tenets drawn out of a book called "The Obedience of a Christian Man," some of which are inoffensive, but most of them erroneous: there are also some exceptionable propositions extracted from a book entitled "An Exposition upon the Seventh Chapter to the Corinthians;" though many of them may pass. I shall therefore proceed to the bishop's instrument, viz.—

"All which great errors and pestilent heresies, being con-

tagious and damnable, with all the books containing the same, with the translation also of Scripture corrupted by William Tyndal, as well in the Old Testament as in the New, and all other books in English, containing such errors; the king's highness in person, by one whole advice and assent of the prelates and clerks, as well of the universities, as all other, assembled together, determined utterly to be expelled, rejected, and put away out of the hands of his people, and not to be suffered to get abroad among his subjects: and his highness willing further that this his pleasure and determination should be notified by preachers abroad unto the people, as well for putting away all such books, as reading, retaining, or having hereafter of any other like, delivered unto certain preachers the form of a writing, to be published in effect unto the people in their sermons; whereof the form here follows, willing them in all his realm to publish the same."

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Here follows the bill in English to be published by the preachers.

"It is the office and duty of every preacher and teacher of the word of God, not only to show and declare unto his audience, that which might be profitable and wholesome for the wealth of their souls to be followed and taken, but also to note and signify unto them such things as be dangerous and contagious, to the intent they might be avoided and eschewed; and also, as near as they can judge who be the teachers and authors of the same: this example we have of our Saviour Christ, who saith, 'Beware of false prophets;' St. Paul likewise many times gives warning to such as he wrote unto, that they should beware of the false apostles, that in his absence went about to corrupt the true doctrine that he had taught: wherefore, considering that it hath pleased the king's highness, like a noble and virtuous prince, tendering not only the present bodily wealth and tranquillity of all his subjects, for his and their worldly commodity and benefit, but most chiefly regarding the wealth of their souls, and their due order towards God, thereby to deserve and attain immortal glory, to assemble and call together the chief personages of his prelates, and a great number of learned men of both universities, charging and commanding them for the discharging and exoneration of his

*The warn-
ing the
preachers
were obliged
to give the
people
against
reading the
censured
books.*

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HAM,
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- conscience, to find, read, and examine, and discuss the contents of such books as be now spread abroad within his grace's realm in the English tongue, concerning the points and articles of our faith; and after their learning and conscience, to make relation unto his highness, whether the said books were expedient and profitable for his people, for the direction and ordering of their conscience and souls, or else contagious and pestiferous for the same: and whether the opinions contained in them were agreeable to God's word and doctrine, or no: forasmuch as in the said congregation and
51. assembly, free liberty and license were granted unto every man, to say as his conscience and learning served him; without any reproach or blame to be imputed or arrected for any thing to be spoken there, whose person soever it touched; or any necessity to agree to the more part; but only to say as his own learning and conscience would maintain and justify: after mature deliberation and consultation had, it was there by a whole consent, no man repugning or gainsaying, determined and agreed, that the books published now in the English tongue, contain false traditions and corrupt doctrine, far discrepant from the true sense of the Gospel and Catholic understanding of the Scripture; only persuading pernicious heresies to the destruction of the souls of good Christian men: and that the certainty hereof I can report unto you of mine own knowledge, being one of the said assembly, and hearing and seeing the said opinions read, and declared, and examined, and by the true sense and meaning of God's learning reprov'd and rejected: I think, therefore, my duty is, taking upon me the office of a preacher, following the example of our Master, Christ, and St. Paul, as is aforesaid, to warn and monish you by the words of Christ, as I spake before, 'Take heed of false prophets,' &c. and take heed of yourself, that you be not infected by the contagion and infection of such pseudo-apostles as have, in our English tongue, set forth books to seduce you from the true knowledge of God's laws, and bring you, by their false interpretation of Scripture, into detestable and abominable heresies to the destruction of your souls; wherefore, you that have the books called, 'The Obedience of a Christian Man,' 'The Sum of Scripture,' 'The Revelation of Anti-Christ,' 'The Supplication of Beggars,' 'Mammon,' 'The Matrimony' of Tyn-

dal, the New Testament in English, of the translation that is now printed, and such other books in English; the authors whereof either dare not, ne do not put to their name; be unknown unto you, or else be such as have set forth these pernicious books, detest them, abhor them, keep them not in your hands, deliver them to the superiors, such as call for them: and if by reading of them heretofore, any thing that remains in your breast of that teaching: either forget it, or by information of the truth, expel it and purge it, to the intent that ye, so purified and cleansed of that contagious doctrine, and pestiferous traditions, may be fit and apt to receive and retain the true doctrine and understanding of Christ's laws, to the comfort and edification of your souls: thus I move, and exhort you in God to do: this is your duty to do, this you ought to do: and being obstinate and denying or refusing this to do, the prelates of the Church having the cure and charge of your souls, ought to compel ye; and your prince to punish and correct you, not doing of the same. Unto whom, as St. Paul saith, the sword is given by God's ordinance for that purpose. Ye shall also further understand, that the king's highness, for as much as it was reported unto him, that there is engendered an opinion in divers of his subjects, that it is his duty to cause the Scripture of God to be translated into the English tongue, to be communicate unto the people: and that the prelates, and also his highness do wrong in letting or denying of the same: his highness therefore willed every man there present in that assembly, freely and frankly to show and open unto him, what might be approved and confirmed by Scripture and holy doctrine in that behalf; to the intent that his highness, as he then openly protested, might conform himself thereunto; minding to do his duty towards his people, as he would they should do their duties towards him; in which matter, after Scriptures declared, holy doctors and authors alleged and read, and all things said might be on both sides, and for both parties spoken, deduced, and brought forth; finally it appeared, that the having of the whole Scripture in English is not necessary to Christian men; but that without having any such Scripture, endeavouring themselves to do well, and to apply their minds to take and follow such lessons as the preacher teacheth them, and so learn by his mouth, they may as well edify

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spiritually in their souls, as if they had the same Scripture in English. And like as the having of Scripture in the vulgar tongues, and in the common people's hands, hath been by the holy Fathers of the Church heretofore, in some times thought meet and convenient; so at another time it hath been thought to holy Fathers, not expedient to be communicate amongst them; wherein for as much as the king's highness, by the advice and deliberation of his council, and the agreement of great learned men, thinketh in his conscience that the divulging of this Scripture at this time in the English tongue, to be committed to the people, considering such pestilent books and so evil opinions as be now spread among them, should rather be to the further confusion and destruction, than the edification of their souls; and that as holy doctors testify, upon such like considerations, the semblable has been done in times past, it was thought there in that assembly, to all and singular in that congregation, that the king's highness, and the prelates in so doing, not suffering the Scripture to be divulged and communicated to the people in the English tongue at this time, do well: and I also think and judge the same; exhorting and moving you, that in consideration his highness did there openly say and protest, that he would cause the New Testament to be by learned men faithfully and purely translated into the English tongue, to the intent he might have it in his hands ready to be given to his people, as he might see their manners and behaviour meet, apt, and convenient to receive the same: that you will so detest these pernicious books, so abhor these heresies and new opinions, so decline from arrogancy of knowledge, and understanding of Scripture after your phantasies; and show yourselves, in communing and reasoning, so sober, quiet, meek, temperate, as all fear of misusing the gift of Scripture taken away, ye may appear such in your prince's eyes, and the eyes of your prelates, as they shall have no just cause to fear any such danger: persuading unto yourselves in the mean time, without grudging or murmuring, the very truth, which is this: that you cannot require or demand Scripture to be divulged in the English tongue, otherwise than upon the discretions of the superiors; so as whensoever they think in their conscience it may do you good, they may and do well to give it unto you. And whenso-

ever it shall seem otherwise unto them, they do amiss in suffering you to have it.

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"Of and upon the which decree, order, and determination 52.
above-recited, his grace's highness being in person in the chapel called the Old Chapel, which sometime was called St. Edward's chamber, sat on the east side of the parliament chamber, within his grace's palace at Westminster, upon the 24th day of May, the year of our Lord God Jesu Christ 1530, and in the twenty-second year of his reign; the third indiction, and the seventh year of the pontificacy of our holy Father, Clement, of that name the seventh, pope; called before his grace the notaries here under-written. And then and there, in the presence of all the personages there assembled and gathered together, willed and required the same three notaries to make publique and authentique instruments, and to set thereunto our seal accordingly; in and for witness and perpetual memory of this his grace's decree, order, and determination, and of all and singular the premises; and all the personages then and there being present to testify the same, and bear record and testimony thereupon.

"In witness of all and singular the premises, we, William, archbishop, primate, and legate aforesaid, have commanded and obtained these present letters, testimonials, or present publique and authentique instrument containing therein the order, decree, and determination above-said, to be made and to be subscribed, and consigned by the hands of the notaries hereafter named, and to be sealed with our own seal: all which premises hath been done in manner and form above-specified: the year, indiction, pontificate, month, day, and place above-specified: then and there being present the noble personages, Sir Thomas More, knight, great chancellor of England; our reverend brother in Christ, Cuthbert, by the permission of God, bishop of Durham; and worshipful personages, Mr. Stephen Gardiner, secretary; Mr. Richard Sampson, dean of the chapter, doctor of law; Mr. Woolman, master of the requests; Mr. John Bell, counsellor, doctors of holy decrees; Mr. Nicholas Wilson, the king's confessor; Mr. Richard Dooke, archdeacon of Wilts, doctors of divinity; Mr. John Oliver, Mr. Edward Steward, doctors of law, chaplains to our said sovereign lord the king's grace; Mr. Richard Mandelly, Mr. Wiliam Mortimer, Mr. Edward Crome, Mr. Edward Wigen,

*The persons
attesting the
instrument.*

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HAN,
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doctors also of divinity; Mr. Robert Carter, Mr. Edward Leighton, Mr. Hugh Latimer, Mr. John Thixtite, bachelors of divinity; Mr. William Latimer and Mr. Roger Tibson, masters of art in both the universities above-said; with many more learned men of the said universities, in a great number assembled, then and there together witness to the premises required and adhibited.

"The three public notaries who attested this instrument are Thomas Ashley, Richard Watkins, and Matthew Greston."

Fox, vol. 2.
p. 14. edit.
1641.

Fox fixes this censure to the year 1531; but it is plain from the date of the instrument that he is a year too forward in his chronology. But mistakes of this kind are not uncommon with this martyrologist: for instance, he says the parliament the twenty-first of Henry VIII. was held in the year 1530; whereas this parliament met in the year 1529. He sets cardinal Wolsey's journey to York a year or two forward: and so he does the king's speech at Blackfriars, which he refers to November the eighth, 1529.

Fox, vol. 2.
p. 254. 255.
327.

To return to the business of the divorce: the king, notwithstanding his former disappointments in this affair, was willing to make a further trial. To this purpose, Sir Thomas Boleyn, now earl of Wiltshire; John Stokesley, elect of London; and Edward Lee, doctor of divinity, the king's agents at Rome, had a joint commission for an embassy to the emperor. They waited upon this prince at Bologna, who told them, he was obliged in honour not to desert his aunt's cause. Upon this, they addressed the pope, and pressed for a favourable issue of the king's business. The pope's answer was, that notwithstanding he had been urged by the queen's solicitor to proceed to the censure, he was resolved upon a gentler expedient; and therefore had given order the matter should sleep, provided the king would engage to stop the course of the process in England. The king being informed of the pope's proposal, replied, that his holiness had hitherto entertained him only with good words; and that by lately denying his ambassadors audience to justify his cause, he plainly perceived there was nothing real or friendly at the bottom.

*The king
consults the
universities
about the
divorce.*
Fox, p. 1860.
edit. 2.
Antiquit.
Britan.
p. 322.
Bp. Burnet,
pt. 1. p. 79.

The king, therefore, finding his holiness somewhat mysterious, resolved to consult the opinions of the universities. It is said, Dr. Cranmer put the king upon this expedient. Fox

pretends this thought was suggested by Cranmer at his meeting with Gardiner, and Edward Fox, the king's secretary, at Waltham. But here the time spoils the story: for this conference at Waltham, between Cranmer, Gardiner, and secretary Fox, was in August, 1529. From whence it evidently follows that Cranmer could not be the first mover of the expedient of consulting the universities both at home and abroad; because the determination of the university of Orleans, relating to the king's marriage, bears date April the 5th, 1529. Now, this date is more than three months before the conference above-mentioned at Waltham.

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This expedient not suggested by Cranmer.

Bp. Burnet,
pt. 1.
Collection
of Records,
book 2.
p. 90.

2ndly, The king, in his speech before the legates at Bridewell, already related, declares he had applied to the greatest clerks in Christendom for their resolution about his marriage: now, this speech was made in November, 1528.

And that Fox was mistaken in giving Cranmer the credit of this suggestion, appears plainly from Cavendish, an author of unexceptionable authority. This gentleman, who was one of Wolsey's family, tells us it was the cardinal that was the first in this motion: and that in a meeting of the bishops, and other learned men, it was thought advisable the king should send his agents to all the universities, both in England and elsewhere; that the case should be argued at length by those learned societies: and that their respective decrees under the seal of each university should be transmitted to his highness.

Cavendish,
p. 97. et
deine.

Having now settled the author of the advice, I shall proceed to relate the success. To begin at home with the university of Oxford: The bishop of Lincoln was ordered to Oxford with the king's letters, requiring them to send him their determination, whether marrying the brother's relict was defensible, or not? A convocation being called, the majority of the doctors declared for the negative: but the masters of arts being on the other side of the question, the meeting broke up without effect. The king, being informed of this in-compliance, was much displeased; and, without losing any time, sends a letter under his own hand directed to the vice-
chancellor, and to the doctors and bachelors of divinity, without taking any notice of the regents. In this letter he acquaints them, "how deeply he resented the stubbornness and misbehaviour of the masters of arts; that they seemed to him not

*The divorce
opposed by
the masters
of arts in
Oxford.*

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HAM,
Abp. Cant.

Wood, Hist.
et Antiquit.
Univ. Oxon.
i. 1. p. 233.

to have lived long enough to qualify them with a capacity and discretion for this business: that, therefore, they ought to resign to the judgment of wiser men, and be governed by the precedent of the doctors: that provided they held on in their obstinacy, and gave their sovereign any further trouble, they should quickly be made sensible of the ill consequence, and understand it was not their best way to provoke a hornets' nest."

Soon after this, Dr. Bell, and Longland, bishop of Lincoln, were despatched to Oxford. Their commission was to inform the masters further upon the case, and prevail with them to give satisfaction. But this attempt failing of success, the chancellor wrote down, to refer the decision to a committee; but this expedient was at first refused. Afterwards, secretary Fox was sent thither, to try his interest. But all being to no purpose, the masters being not to be brought off, and ready to grow mutinous, the chancellor sent the heads a very extraordinary and unprecedented order. He required them to exclude the masters from the convocation, and proceed to a resolution without them: and thus by a committee of the doctors and bachelors of divinity, the question was drawn up in form, determined in the negative, and the seal of the university set to the instrument. This determination was soon after brought to the king by the vice-chancellor, who was well received, for making so acceptable a present.

*The masters
excluded the
convocation.
Ibid.
The question
determined
by a com-
mittee of
doctors, &c.*

Ibid. p. 238.

The historian Wood complains of this management, and takes the freedom to say, the privileges of the university were plainly over-ruled, and that the excluding the masters from their right in voting, made the decree of no force. That several members of the university, not thinking themselves bound by this decision, preached openly against the divorce.

*Ap. Burnet,
pt. 1. p. 88.*

This relation of Wood is censured by a learned Church historian. This author charges the Oxford antiquary with giving credit to a lying story set down by Saunders: that he had either not seen, or not considered another instrument, to which the university set their seal: that this instrument was passed in a convocation of all the doctors and masters, regents and non-regents: that by virtue of a vote, passed in this convocation, they all resigned themselves to the determination of a committee; and that this committee was only to consist of doctors and bachelors of divinity: and for this the lord Her-

bert is vouched, who perused the original, which I shall transcribe into the records.

Notwithstanding Wood is charged with relying upon the testimony of Saunders, it is plain he makes no use of his authority, but cites the records of the university for the main of his narrative. As to the instrument mentioned by my lord Herbert, though he calls it an original in one place, yet after the recital he makes no more of it than a blurred copy: and, without telling us where he had it, does not scruple to confess, that it is not probable it should be intended for the king in that manner: all which plainly proves, that in lord Herbert's opinion, it could be no original: and therefore, for aught we know, it might only be a rough draught; and that when the doctors found the masters would not pass it, they laid it aside without engrossing. However, they might think fit to preserve it, to show their zeal for the king's service.

And for a further defence of the Oxford antiquary, it may not be improper to give the reader a remarkable passage from the lord Herbert's collections concerning this matter. The words run thus:—

"The king," says this noble historian, "sent his confessor Longland to the university of Oxford, to procure their confirmation of his divorce from Catherine. The king joined intreaties and threats; the chancellor Warham advised them to follow the truth. Here 'seniores facile assenserunt regi,' but the younger sort (regent masters) flatly denied. The king sent them more threats, but moves them not: so that at last the artists or regent masters (although by the statutes nothing can be done without them) are excluded, and the matter committed only to divines, who determined for the king, who punished the regents."

Thus much for Oxford. How the matter passed at Cambridge will appear from an original letter, written by Gardiner and Fox to the king.

In this letter they acquaint the king that the vice-chancellor, one Dr. Edmonds, and several others, were willing to satisfy his highness. And here, by the way, this Dr. Edmonds was not Edmond Bonner, afterwards bishop of London, as our learned Church historian affirms; but John Edmonds, master of Peterhouse. To proceed: they informed the king there was a strong party in the opposite sentiment, who endeavoured to perplex

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See Records,
n. 13.

*The Oxford
antiquary
defended.*

Ld. Her-
bert's MS.
Collections
in Jesus
College
Library in
Oxford.

Feb. 1530.
Biblioth.
Cotton.
Vitel. b. 13.
Bp. Burnet,
pt. 1. p. 86.
Wharton
de Episc.
Londinens.
p. 193.

WAR-
HAM,
Abp. Cant.

*The uni-
versity of
Cambridge
divided
about the
divorce.*

the matter, and hinder the passing of any decree. However, in a congregation of about two hundred, the king's letters were read. After which the vice-chancellor called the doctors aside and asked their opinions: they were divided in their answer, and the issue seemed doubtful. At last they were contented the question should be referred to indifferent men. But when they came to debate upon the persons for the committee, they excepted against the abbot of St. Bennet's, against Dr. Repps, and Dr. Crome, and others of that complexion. The reason of their dislike of these persons, was their approbation of Cranmer's book lately written in favour of the divorce: for by their commendation of this performance, they were looked on as persons prepossessed.

After a great deal of time spent in debating this affair, the vice-chancellor proposed a committee, but this motion was rejected.

The convocation being adjourned till the next day, the vice-chancellor offered an order to refer the question to a committee of twenty-nine. This committee was to consist of himself, ten doctors, sixteen bachelors of divinity, and the two proctors. And here what two-thirds agreed to, was to be taken for the sense of the whole; and the seal of the university set to the decision. And for the more honourable proceeding, the question was first to be publicly disputed. This motion was opposed at first; the second time the question was put, the votes were equal; the third time, by prevailing with some of the contrary opinion to quit the house, the order for a committee passed. Gardiner and Fox having gained this point, gave the king an account, and sent up the names of the committee, acquainting the king with the good condition of the affair; and that they hoped in a short time to procure a majority, which
54. happened accordingly. And thus, with a great deal of difficulty, the king gained his point; and the marriage was declared unlawful.

*But at last
they decree
for it.*

I shall now proceed to relate how this affair succeeded abroad. The French king having now received his two sons, who had been detained hostages at Madrid, was in a condition to declare himself more freely in the question concerning the divorce. The juncture therefore being somewhat more favourable than formerly, king Henry requested that prince's assistance to procure a resolution of the universities in France.

Francis having promised his friendship, Sir Francis Bryan, Fox, afterwards bishop of Hereford, and Mr. William Paget, were despatched to Orleans and Thoulouse: Reginald Pole, of the blood-royal, and some of those above-mentioned, receiving orders to solicit this matter at Paris. The king's agents in Italy for this purpose were Dr. Richard Croke at Padua; Hierom de Genucci, bishop of Worcester, and Gregory Cassalis at Rome; Dr. Stokesly at Venice; Dr. Cranmer, Andrew and John Cassalis, and Previdellus, were likewise employed by the king in Italy.

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A. D. 1530.

Stokesly wrote to the king that he had gained the opinions of the university of Bononia, and that he could have succeeded in other places, had the pope been wholly neuter in the affair.

June 13.

Croke wrote to the English court that the pope and emperor menaced those who determined on the king's side; that the emperor's ambassador at Padua expostulated with one friar Thomas, for abetting the king's cause, letting him know, that if the question should be decided for the divorce, there would be a blemish thrown upon the birth of several of the greatest princes of Christendom; that their right to their respective crowns would be extinguished upon this resolution; and that the emperor and the king of Portugal would be particularly affected in the case. Notwithstanding this discouragement, he had procured eighty subscriptions from men of character. And in another letter he informs the king that the emperor practised with the state of Venice against his highness. He likewise complains that Andrew Cassalis and Previdellus discovered the king's secret to the imperialists. He acquaints the king further, that the emperor had procured some subscriptions in Mantua for money; but these it seems were persons of no great figure. Whereas nine-and-twenty doctors in that town had given their opinion gratis against the lawfulness of the marriage.

June 22.

July 4.

Aug. 31.
Ld. Herbert,
p. 301.

To take off these restraints, and give a just freedom, Croke suggested the expedient of procuring a brief from the pope to this purpose. It was to run towards this form:

*Croke's
negotiation
in Italy
about the
divorce.*

"That divines or canonists might declare their consciences without fear or hazard, requiring them, under the penalty of excommunication, that they should not be governed in the debate by partialities or reward, but pronounce upon the case according to the best of their understandings, without being

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Bp. Burnet's
Hist. Re-
form, part 1.
p. 89.

biassed by any indirect motives, as they would answer their conduct to God at the great day of judgment."

The king approved this suggestion of a brief, and wrote to the bishop of Verona to assist his agents at Rome in procuring it. In short, the instrument was gained at last, though not without difficulty, because of the opposition from the emperor's ambassadors.

*The univer-
sities of
Padua and
Bononia
declare for
the divorce.*
Biblioth.
Cotton.
Vitel. b. 13.

From Padua Croke advertises the king, that the case having been thoroughly debated by the doctors for five days together, the common seal of the university was set to their decision in favour of his highness's cause.

To mention some particulars. They declare, they had considered all the arguments on the other side of the question, and found them defective, and that they may not fall under the charge of any omission, they mention their having examined that remarkable text in Deuteronomy; and after having given a due weight to all objections, they positively determine the marrying a brother's relict to be unlawful, void, and detestable, and that nothing can be a clearer contradiction to the law of nature, and divine institution.

Deut. 25. 5.

July 1, 1530.
June 10,
1530.

The university of Bononia declared their sense upon the question to the same effect.

Bp. Burnet's
Hist. Re-
form, pt. 1.
Collection
of Records,
book 2.
p. 92.

After having premised how carefully they had qualified themselves with time and application, how nicely they had balanced the arguments urged by both parties; and particularly the exposition of cardinal Cajetan upon the dispensation in Deuteronomy for marrying the brother's wife: after this preliminary protestation, they come to the decisive part, and pronounce such a marriage execrable and unlawful to the last degree. And that his holiness, notwithstanding he can do almost every thing, in virtue of his commission from our Saviour, yet his privilege of dispensing is wholly barred in this matter.

Printed at
London,
1532.

How this matter was carried in the universities of France, will appear from their public censures. The university of Orleans, the faculty of the canon law at Paris, declared the pope had no power to dispense in that case. The famous faculty of Sorbonne proceeded to the inquiry with the highest solemnity. They met first at the church of St. Mathurin, where, after a mass and invocation of the Holy Ghost, they took an oath to examine the question thoroughly, and to follow their conscience in the resolution. The time they took

in preparing for the decision, was from the eighth of June to the second of July. During which interval, they declared they had consulted the Holy Scriptures with the best expositors, and perused the canons and constitutions of general and provincial councils. After all this solemnity and deliberation, it was agreed by the majority, "that the marrying of the relict of a brother dying without issue, was so clearly prohibited by natural and revealed religion, that it was not within the pope's authority to dispense with such a relation." The university of Angiers, of Bourges, and of Thoulouse, determined to the same effect. The seals of each respective university were likewise put to their decision.

HENRY VIII.

The judgments of the universities in France.

Conventions, Acta Publica, tom. 14. p. 397.

But here we are to observe, the Sorbonne and the faculty of the canon law at Paris, the universities of Angiers and Bourges, expressly suppose the marriage consummated between Arthur and Catherine, which, as has been already related, the queen positively denied: this she did before the king and court at Blackfriars, and appealed to his highness for the truth of it. Upon the whole therefore, we cannot rightly reckon these three universities of the king's side, because the matter of fact upon which they founded their resolution, was denied by the queen.

Further, it is probable the other universities in France and Italy, went upon the supposal of the marriage being consummated between Arthur and Catherine: it is not improbable, I say, they went upon this supposition, both by the strong expression in their censurè; and because the reason of the Levitical prohibition could not otherwise so much affect this marriage.

55. Levit. 20. 21.

In Germany, Spain, and Flanders, the emperor's authority is said to have been so great, that much could not be expected from the Lutherans, though Cranmer endeavoured to make an interest with them, and particularly with Osiander, whose niece Cranmer married during his stay in Germany. This Osiander published a book concerning incestuous marriages, but it was called in at Augsburg, because it determined in favour of the divorce.

Biblioth. Cotton. Otho. c. 10.

As to the Lutherans, Croke, in his letter to the king, complains that all of that persuasion at Venice, Padua, and Ferrara, where there were no small numbers of them, opposed the

Croke complains of the Lutherans.

WAR-
HAM,
Abp. Cant.

Biblioth.
Cotton.

Vitel. b. 13.

The opinion

of Æcolampadius.

Levit. 20.

21.

Deut. 25. 5.

Bp. Burnet,

pt. 1. p. 92.

Of Bucer.

king's cause with great activity and vehemence. The famous Erasmus thought the question much perplexed, and refused to give his judgment either way.

Æcolampadius, as appears by three of his letters, was clearly of opinion, that the law in Leviticus was binding upon all mankind; and affirms, that the permission for a brother's marrying his sister in-law, was a dispensation designed only for the Jews; and therefore, he conceived the king might part with the queen without any scruple. But Bucer was of a different sentiment: he thought the law in Leviticus could not be moral, because God had dispensed with it in one case, for the preservation of families. But then he was of opinion, that neither the law, nor the dispensation in Deuteronomy, continued under the New Testament, nor reached over to the Christian institution. In short, he neither thought the law in Leviticus, or the exception in Deuteronomy, any more than judicial precepts, and calculated only for the country and government of Judea. So that by his casuistry, Christians were at liberty to follow their inclination in this matter.

Bp. Burnet.
ibid.

Phrygion.

Id. p. 93.

Paulus Phrygion, another protestant, was of opinion, that the laws in Leviticus were designed for a standard of practice in all ages and countries: his reason was, "that the Canaanites were punished for a contrary behaviour: that such severity was not consistent with the justice of God, unless those prohibitions had been branches of the law of nature."

Zuinglius
and Gry-
naeus.

Zuinglius is pretty full for the king's purpose. First, he disproves the pope's power of dispensing with the law of God: then he lays it down for a maxim, that the Apostles had made no alterations concerning matrimonial engagements: that the marrying within near degrees was the aversion of the Greeks and other heathen nations. And whereas Grynaeus (a protestant of reputation) seemed to be of opinion, that though the marriage was ill made, yet it ought not to be dissolved; so that this divine advised the king to marry another, and live with the queen still; Zuinglius combats this opinion, determines for nulling an unlawful marriage, and rejects the expedient of polygamy. But then he concludes, that the queen should be honourably dismissed, and treated up to her character. This divine has some further reserves of civility and good-nature. He throws in a salvo for the legitimacy of the issue, and since

the marriage had continued so long without scruple or remonstrance, he thought it unreasonable there should be any blemish or mark of disadvantage laid upon the children.

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There is a letter of Calvin's upon this subject, but without either date or person to whom it was directed: in this letter, the marriage is declared null, and that the king ought to part with the queen upon the law of Leviticus. And whereas it was objected, the law was only meant of marrying the brother's wife, living the brother: he argues, this interpretation was foreign to the text. For since all the prohibited degrees are forbidden in the same style, they ought to be understood in the same sense. Since therefore, the marrying the father's, son's, uncle's, or nephew's wives after the death of their husbands, is uncontestedly unlawful, by parity of reason it must be likewise a sin to marry the brother's relict. And as for the law in Deuteronomy, of "marrying the brother's wife," &c. he conceives that by brother, we are to understand a near kinsman, of which we have some instances in holy writ. By this expedient, he reconciles the two laws of Leviticus and Deuteronomy, and fortifies his exposition by the case of Boaz and Ruth.

*A pretended
letter of
Calvin's.*

But here we are to observe, that this letter having neither date nor person, seems not to belong to the matter in question. Besides, Calvin was born in the year 1509; now this letter is supposed to be written in the year 1530, when Calvin was but twenty-one years of age. It is very improbable, therefore, a controversy of this importance should be referred to so young a divine. Further, his exposition of the text in Deuteronomy, seems forced and new. For first, his interpretation does not agree with the language of the New Testament, where kinsfolk are expressed by *Συγγενεῖς*, and not by *ἀδελφοὶ* in the original. Secondly, Calvin's exposition destroys Africanus's scheme of reconciling the seeming differences in our Saviour's genealogy mentioned by St. Matthew and St. Luke. Now the learned Valesius allows Africanus's expedient, and supposes the marrying the brother's wife common among the Jews. But notwithstanding this letter seems embarrassed in the exposition of the text, yet it must be said, the author made a push at the main difficulty.

*The reasoning in this
letter not
conclusive.*

Luke 2. 44.
Annot. in
lib. 1.
Euseb. Hist.
Eccles. c. 7.

Our learned Church historian observes, that Melancthon advised the king's taking another wife, and offered to justify

*Melancthon
a favourer
of polygamy.*

WAR-
HAM,
Abp. Cant.

polygamy from the Old Testament. But this he cannot believe. However, he grants "the lawfulness of polygamy was much controverted at this time. And as in all controversies newly started, many crude things are said; so some of the Helvetian and German divines seem not so fierce against it. But of Melancthon's being of that mind, great evidences appear to the contrary; for there is a letter of Osiander's to him, giving him many reasons to persuade him to approve of the king's putting away the queen, and marrying another." The letter also shows he was of opinion, that the law in Leviticus was dispensable.

Bp. Burnet,
pt. 1. p. 93.

But with due deference to this historian's judgment, his reasoning looks short of proof. Indeed he seems to overthrow his remark, by what he observes afterwards. For he tells us, that "Melancthon, and others, had no mind to enter much into the dispute about the king's divorce, both for fear of the emperor, and because they judged the king was led in it by dishonest affections:" and thus this learned author has answered himself: for the reason, as he observes, why Melancthon would not approve of the second marriage, might be because he was afraid of the emperor, or thought the king was led into it by dishonest affections, and not upon the score of his believing polygamy unlawful.

Ibid.

But that Melancthon, and other German divines, were not
56. very orthodox in this, and some other matters, appears from Cranmer's letter to Osiander. In this letter, "he complains of the loose casuistry and mistaken opinions of the German divines, and what scandal they gave to the reformation. For the purpose, he tells us, they allowed the younger sons of noblemen to entertain strumpets, to prevent the parcelling out their estates, and lessening the figure of the elder family: that divines who allowed this liberty, were altogether unqualified to make invectives against any indulgence in the Church of Rome. Further, I desire," says he, "to know what excuse can be made for your permission of a second marriage after divorce, while both the parties were living; and, which is still worse, you allow a man a plurality of wives without the ceremony of a divorce. That this is matter of fact, you acquainted me, as I remember, in some of your letters, adding withal, that Melancthon himself was present at one of these second weddings, and gave countenance to it.

Some German divines charged with abetting this doctrine by Cranmer.

But this practice disagrees both with the nature of marriage, 'which does not make two but one flesh,' and is like a clear contradiction to the holy Scriptures." And here the archbishop (for that was his distinction when he wrote the letter) cites several texts in the New Testament. "From these places," he continues, "it is plain from the institution of Saviour and his Apostles, that matrimony ought to be a single relation; and that this engagement must not be repeated, after the death of one of the parties. If you reply, the case of remarriage must be excepted: if this is your answer, I desire to know whether the loss of the wife's honour was the reason of Melancthon's indulging the husband in polygamy: if he went on this ground, then we have the received doctrine of the church, from the first ages to our own times, against this position. Now we ought to interpret the Scriptures in conformity to the sense of the ancients. What St. Austin's opinion, or rather what the opinion of the Church was, to the contrary in which this father lived, he gives us to understand in his discourse to Pollentius. I would gladly know," continues the archbishop, "how they disengaged themselves from this error? Whether they maintained the lawfulness of polygamy, or endeavoured to reconcile it with the New Testament? Or whether they believe something of condescension or connivance necessary to the present juncture? and that unless they should relax a little upon this point, some greater mischief might open. If they go upon the first grounds (which I fancy they do not,) they have more of the Turk than the Christian in them. And if they rely upon the latter scheme, they will find themselves extremely encumbered: for which way can they indulge that liberty which Christ, his Apostles, and the whole Church, has directly forbidden?" He proceeds to answer some other of their objections, from the Old Testament, and exposes the indulgence with sufficient force and artness: but what I have already translated, may serve to show the German divines, and particularly Melancthon, were good casuists in this matter.

To go on: as to the body of the Lutheran divines, consulted by the king, their resolution is better guarded. They declare at last, "that the law in Leviticus against marrying a brother's wife, whether dead or living, was of a moral nature, and by consequence unalterable. That therefore it was

HENRY
VIII.

Matt. 19.
Mark 10.
Luke 16.
Rom. 7.
1 Cor. 7.

Lib. de
Adulterinis
Conjugiis.

Biblioth.
Cotton.
Cleop.
E. 5.
fol. 111.

The resolution of the
Lutheran
divines in
the case of
the divorce.

WAR-
HAM,
Abp. Cant.

Ex MSS.
R. S. Lond.
See Bishop
Burnet's
Collection,
pt. 1.
book 11.
p. 94.
Id. pt. 1.
p. 94.

their opinion, the practice of all Christians ought to be governed by it; that they should never give an allowance for a marriage within such a relation. But then as to the divorce, they were not informed far enough to deliver their opinion. That is, they were not furnished with sufficient reasons, whether the king might be divorced after the solemnization of the marriage. And therefore, they desire his highness not to take it amiss, that they suspended their judgment as to this part of the question.

The learned Church historian above-mentioned, takes notice, "that the protestants expressed great sincerity in this matter; such as became men of conscience, who were acted by true principles, and not by maxims of policy." I hope they did so, but am sorry to find this commendation no better proved. For in the paragraph immediately foregoing, he tells us, these German divines had no mind to engage in the dispute, for fear of the emperor. Now if they were over-awed by this passion, they were in some measure governed by their interest: and how then does it appear, that they stood clear of politic maxims?

Bp. Burnet,
pt. 1. p. 93.
See Records,
num. 16.

However, as the learned historian goes on, "none of them went so far as the pope did, who plainly offered to grant the king a licence to have two wives." And for this we have the authority of Cassaley's letter to the king.

*Whether the
pope allowed
polygamy.*
Page 302.

Now, notwithstanding the colour in this letter, I rather think it will appear the pope did not indulge this liberty. For first, as to Cassaley's authority, the lord Herbert, who cites the letter, tells us this Cassaley was a man of no integrity: that notwithstanding his being employed as the king's agent, he held a private correspondence with the Imperialists: and he further tells us, it does not appear whether any credit was given to this letter at the English court.

Bp. Burnet,
pt. 1. p. 60,
compared
with p. 93.

And that the pope was either misreported, or Cassaley misunderstood, seems further probable, from what is delivered by our learned Church historian: who informs us, that Sir Francis Bryan and Peter Vannes, the king's agents at Rome, had instructions to propose, whether in case other expedients were rejected, the pope would not dispense with the king's having two wives?

Id. p. 93.

And elsewhere he acquaints us, that this "motion was consented to, and promoted by the Imperialists." That is, the

emperor was willing to gratify the king, and come up to his fancy. Now since the pope and the emperor were thus flexible to the king's inclination, and agreed to his terms, how comes it about his highness did not take these princes by the hand, and close with them upon his own proposal? It was never pretended the king moved for more than two wives at once; why then did he not acquiesce, when thus fairly offered? What made him come to the last extremities, break wholly with the pope, and make the emperor his enemy, when they consented to oblige him, by so unusual a favour, and complied to the length of his demands? I own these questions are too hard for me, and therefore I must leave them.

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Having already mentioned the universities, and other divines, who declared for the divorce, it may not be improper to say something of the authorities on the other side. Amongst these, we have Fisher, bishop of Rochester; John Holiman, bishop of Bristol; Clark, bishop of Bath and Wells; Tonstal, bishop of Durham; and West, bishop of Ely; to whom we may add, Thomas Abel, Edward Powel, Richard Featherstone, and one Dr. Ridley, all English canonists. And for foreigners, Francisco Royas, Alphonso de Verves, Alphonso de Castro, and Sepulveda, Spaniards: the famous cardinal Cajetan, and Ludovico, Nugarrola, Italians: Alvarus Gomesius, a Portuguese: Johannes Cocleus, a high-German: Equinarus, Duarenus, Convanus, Frenchmen: and Ludovicus à Schota, a Low Countryman. But after all, whether these Englishmen above-mentioned were all concerned as authors in the controversy, is further than I shall determine.

*An abstract
of the argu-
ments of
those who
wrote
against the
divorce.*
57.

Sanders
de Schism.
Anglic.
p. 79.
Fuller's
Church
Hist. book 5.
p. 182.

The substance of what these advocates for the queen alleged, is this.

“Cardinal Cajetan endeavoured to prove the prohibitions in Leviticus were no branches of the moral law. They were not observed, as he reasons, before the law, no, not by the holy seed. For did not Abraham marry his sister, and Jacob two sisters? Thus Judah made no scruple to give his two sons to Tamar, and after their decease, promised her the third. To advance to the Mosaic institution: the prohibition in Leviticus is relaxed in Deuteronomy, which proves the law was not moral. For whatsoever is moral, must by consequence be immutable. Then as to the places cited for the divorce, from the New Testament, they would not bear in the argument.

WAR-
HAM,
Abp. Cant.

For instance, St. John Baptist's reproof of Herod is foreign to the point: for both Josephus and Eusebius inform us, that his brother Philip was alive, when Herod lived with his wife, and by consequence this prince's crime was adultery, and not incest. And thus we have reason to believe, the incestuous Corinthian cohabited with his father's wife, when his father was living. For had he been dead, St. Paul could not have called it a 'fornication not named among the Gentiles;' for we find the marriage of step-mothers not only allowed among the Persians, and other heathen nations, but even among the Jews. For did not Adonijah request the marrying of Abishag, who had been his father's concubine?"

From all which, those who wrote against the divorce, concluded, "That the laws touching the degrees of marriage were binding only to the Jews: and that Christians were bound to obey them no further than they were incorporated with the laws of the Church: and that it was in the pope's power to dispense with the ecclesiastical custom and constitutions.

They urged further, "that the pope had granted this dispensation upon weighty considerations, to keep a good correspondence between the crowns of England and Spain. That after the marriage had continued above twenty years, it would be highly scandalous to bring it under date. Besides, the proceeding to a divorce might be a dangerous precedent, and perplex the titles of several princes."

And lastly, they concluded, "That whatever nullities or defects of form were charged upon the bulls or briefs, the pope was the only judge of that matter: and that it was a presumption in inferior prelates to determine upon the point."

Bp. Burnet,
pt. 1. p. 103.

*The reply
of those who
wrote on the
king's side.*

To these arguments, those who wrote for the king's cause, replied, "That they were surprised to find men who declared against heretical novelties, to argue in so unorthodox a manner! For what is the inlet into all heresy in the opinion of catholic doctors? Is it not the setting up new interpretations of Scripture? Is it not the preference of private reasoning to the doctrine and tradition of the Church? We have fully made out, continue these advocates, that the Fathers have unanimously maintained the Levitical prohibitions of marriage to be of a moral and unalterable nature: and that Cajetan was the first that was so hardy as to set up his own exposition against the sense of antiquity. It is true, before

the Mosaic law, these prohibited degrees were not observed : but this proves only, that the immorality of such a correspondence does not strike full upon the understandings of all men. And therefore, since the thing has not the clearest evidence, nor can be easily discovered by the light of nature ; considering this, we need not wonder to find a law in Leviticus for the better direction of practice. And as for the instance of Judah and Tamar, there is so much irregularity in all the circumstances, that it does not seem safe to bring it into precedent. And as to the permission of marrying the brother's wife, we can only infer from hence, that the reason of the law is not altogether unalterable. From whence it follows, that it may be dispensed with by the authority that made it. But though Moses relaxed by Divine revelation, it does not follow, the pope can give this liberty by the privilege of his character."

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VIII.

As to the instance of Herod, they assert, "it is not clear from Josephus, that Philip was alive when Herod married his wife : for Josephus says no more, than that she eloped from her husband, and then divorced herself from him. And as to the incestuous Corinthian, though some few precedents of a king of Syria, and some others, may be brought of some marrying their step-mothers, yet these liberties had generally an ill complexion, and were looked on as the excesses of arbitrary and licentious princes."

Id. p. 104,
105.

And now, whether those who argued for the divorce disentangled the texts of Leviticus and Deuteronomy, may be somewhat a question : for granting, as they affirm, the prohibition in Leviticus was binding upon all nations ; granting this, why should not the dispensation in Deuteronomy be interpreted to the same extent ? Why should the relaxation not be as general as the restraint ? It is a received maxim, that laws are to be expounded in favour of liberty. Indeed, were there any limitation in the text to bar this privilege, the case would be altered. But since this cannot be pretended, why may not Christians have the benefit of the Deuteronomy exception, as well as the Jews ? Since the gospel allows greater liberties in other matters, why must it give less in this ? Has not God as great a regard for the public interest, and the repose of kingdoms, under the Christian, as under the Jewish Church ? And if so, how can the provision allowed the one, be denied the other ?

A remark
upon the
argument.
Levit. 20.
21.
Deut. 25. 5.

WAR-
HAM,
Abp. Cant.

Bp. Burnet's
Hist. Re-
form. part 1.
p. 89, 90.
October 23,
1529.

However, though the king's cause might be somewhat pressed in this particular, he is said to have had the advantage in another respect: for the universities and divines declared frankly for him. There was no bias of presents, no prospect of preferment, to prepossess them against truth: and for this fair proceeding, doctor Croke is produced as an evidence. But there is a letter written to the king by this gentleman, which seems to speak to another sense. I shall transcribe some part of it.

MS. ex
Biblioth.
R. Harley
Armig.
*Whether the
universities,
&c. delivered
their opinions
gratis.*

He acquaints the king, "he had paid three-and-twenty crowns to friar Thomas, who, notwithstanding he had given hopes of his declaring for the divorce, yet he had now deserted the king's side, and argued for the lawfulness of the marriage. He mentions one Raphael, who had printed against the divorce in Italy. In this book, the author protests that what he had formerly written for the king's satisfaction, was only by way of exercise, but that now he had declared his mind without reserve. He lets the king know further, that one Ambrose had twenty crowns of him for determining at Padua, in favour of the divorce: and that two other friars had seventy-seven crowns."

Bp. Burnet,
pt. 1. p. 95.
Apolog.
advers.
Theologos
Lovaniens-
es, cap. 2.
Harnier.
p. 118.

Cornelius Agrippa stands recommended as a man very famous for great and curious learning, and so satisfied in the king's cause, that he gave it out, that the thing was clear and indisputable, for which he was afterwards hardly used by the emperor, and died in prison. If Agrippa's fancy then was not exactly balanced, the overweight lay in the king's scale. However, in one of his books he breaks out into this expostulation: "Who would have imagined, that divines, in matters of faith and conscience, should have been governed by partialities or aversion? Who would have thought they could have been bribed by treats and presents, unless they had given proof of this mercenary temper, in declaring against the king of England's first marriage?" Cavendish, cardinal Wolsey's gentleman-usher, is another authority, that the king was at a considerable expense for the gaining the foreign universities. He tells us, that those who governed those societies, or had the keeping of the common seals, were fed by the commissioners with great sums of money; and gained by the prevalence of bribery. One of our own parliaments concurs with Cavendish in his reflection.

Cavendish's
Memoirs,
&c. p. 99.
1 Mar.
sess. 2. c. 1.

The act sets forth, "That the seals as well of certain universities in Italy and France, were gotten (as it were for a testimony) by the corruption of money with a few light persons, scholars of the same universities: as also the seals of the universities of this realm, were obtained by great travel, sinister working, secret threatenings and entreatings of some men of authority, specially sent at that time thither for the same purposes."

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VIII.

Further, Sleidan believes that the foreign universities, and particularly that of Paris, were bribed for the king. Lastly, in the year 1532, there was a book published at Lunenburg, entitled "A confutation of the Censures of the Universities," printed with the king's license in England. This book, now in the Bodleian library, informs us, that the university of Paris were at the lowest at an even division, as many being against as for the divorce: and that some members of that body published discourses against the other party, who gave their opinions for the king. This author wrote on the queen's side, and dedicated his book to Eustathius Chapnytius, the emperor's ambassador in England.

Lib. 9.
p. 140.

On the other side, it may be said, people will not always study an intricate question, and take pains in a fair cause, without a consideration.

The king, being thus fortified with the censures of the universities, and other learned men, resolved to publish their conclusions: and to make the most of the advantage, he procures an address, or rather a remonstrance, to be sent from several of the nobility and commons to the pope. In this letter, they complain how long they have been disappointed in this business; that they would not have given his holiness any trouble, had not the king, the soul of the government, been so deeply concerned; but when the head suffers so much, the body must of course be uneasy. That they humbly conceived, the justice of the cause, approved by the determination of so many famous universities in France, Italy, and England, might have superseded the trouble of any further importunity: and that there had been no need of soliciting his holiness to confirm the opinions of so many learned men: especially since the decision of the cause relates to a king and kingdom, which have so well deserved of the apostolic see. "But neither the reasonableness of the request, the memory of obligations

An address
to the pope
from the
nobility, &c.

See Records,
num. 14.

WAR-
HAM,
Abp. Cant.

received, nor the repeated entreaties of an excellent prince, can prevail with your holiness, and dispose you to a just regard; and since all these motives are without effect, it is no wonder if our grievances have made us break silence, and forced us upon the freedom of a remonstrance: for is it not a very unfortunate thing, that the declaration of so many famous universities, and other persons of learning, should not be able to do the king their intended service; that these celebrated societies cannot prevail with the apostolic see to exert the functions of its character? And that a prince who has engaged for St. Peter's chair against so many potent enemies, and defended the popedom both with his sword and pen, should be denied in a case of common right; should be refused the benefit of that spiritual authority, which, had it not been for his highness, would have been in no condition to have obliged any part of the Church? These mysterious proceedings put us perfectly to a stand: and in consequence of this usage, we are threatened, as it were, with a deluge of misfortune: for indeed, what inundation can be more calamitous than the perplexing the royal title, and reviving the controversy of the succession, which has lately cost the nation so much treasure and blood?

"God be thanked, we have an admirable prince, whose right to the crown is unquestionable, and were he blessed with any issue male, would settle peace and tranquillity upon the kingdom: but the hopes of this happiness depend wholly upon an uncontested marriage. Now for the procuring this blessing, there is nothing wanting, but that your holiness should interpose your authority in pronouncing against the former marriage, and corroborate the sentence of so many learned men.

"But if this assistance is refused: if a father will desert his relation, throw up his children, and put them in the condition of orphans: if this is the case, we must conclude we are left to take care of ourselves, and shall be obliged to think of some other remedy. To prevent these extremities, we beseech your holiness to comply with our sovereign in his very reasonable requests, and to give us this relief with all expedition: and since we move for no more than what your pastoral office may fairly suggest, we hope your holiness will show some tenderness and affection to such dutiful and obedient sons.

59. We are all concerned to the last degree in the king's cause.

Whatever misfortune happens to the head, must of consequence affect the whole body: and thus we must all suffer in his majesty: and since it is in your holiness's power to give an easy redress to this grievance, we cannot help saying, with submission, that it ought to be in your will too. But if your holiness shall think fit to do nothing, or prove dilatory in your proceedings, our condition will be so much the more unfortunate, because we have waited and laboured a great while to no purpose; however, we shall not altogether despair of disentangling ourselves. Some remedies indeed are rough in the operation, but the patient must cure himself as well as he can: there is something of comfort in the change of a misfortune; for though a man may fail of having all he wished for, yet the burden may be somewhat lightened, and grow easy upon custom and time. We once again entreat your holiness would please to consider these things, and show yourself the vicar of Christ, no less in your actions than in your title: and that the truth which has been brought to light by the labour and study of so many learned persons, may receive a more illustrious evidence by your holiness's concurrence. In the mean time, we shall not cease to beg God Almighty to direct your holiness to a just resolution, that by this means we may be freed from the trouble of any other expedient."

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By this letter, the pope might pretty well foresee the consequence of his in compliance; and that, unless he gave the king satisfaction, he was in danger of losing England. But, notwithstanding the niceness of the affair, he was resolved not to stoop his authority, but holds up his pretension at the customary pitch.

See Records,
n. 15.

In his answer, he lets them know, "that their letter would have been more unacceptable to him, had he not been sensible of their being transported into some freedoms by their affection to their sovereign. He shall therefore make them a return without any thing of passion, and only give them to understand that no regards of duty or inclination to their prince ought to have carried them so far as to charge him with ingratitude, and denying of justice. We own (says he) your king has deserved a great deal more than you mention; and that his favours will never be forgotten by the apostolic see. We confess ourselves extremely obliged to his highness, both in our private and public capacity, and that we are never likely to make him a requital.

*The pope's
answer.*

WAR-
HAM,
Abp. Cant.
2 Cor. 11.
29.
2 Cor. 6.
11.

of regimen and destroy his health. As for us, we are always willing to allow of warrantable remedies: 'For who is weak, and I am not weak? Who is offended, and I burn not?' 'Our mouth is open unto you,' dear sons, and out of tenderness of affection we suggest this warning. To speak clearly, I am of opinion, the king for whom you solicit would not have approved the manner of your application; for we are so well assured of his highness's integrity, that we cannot help saying, that he would have refused an unjust decision, though made in favour of himself. And notwithstanding we have a great regard for the intercession of so many persons of quality, yet our affection to his highness will not give us leave to be wholly governed by the strength of entreaty; though, on the other side, we cannot recollect our refusing his majesty any thing which was consistent with the honour of our see; and we shall always continue in the same friendly inclination. As to the cause, when it is fully opened and pleaded home on both sides, it shall be despatched with all imaginable expedition; for no body living can be more desirous than we are to set the king and queen at their ease, and put a speedy issue to so very troublesome an affair. In the meantime, we entreat the king and your lordships not to press his highness's favours too hard upon us, nor demand that which we cannot grant without offending God Almighty. Now, with this reserve, you may expect a compliance in every thing from us which lies within the compass of justice and the character we bear.

"Dated at Rome, &c., the 27th day of September, 1530, and the 7th year of our pontificate."

Sept. 19,
1530.

Some little time before this, the king being apprehensive of the queen's or Wolsey's procuring bulls against him, set forth the following proclamation:

Hall.

*A proclamation
against
acting upon
the pope's
bulls.*

"The king's highness straitly charges and commands, that no manner of person, of what estate, degree, or condition soever he or they be of, do purchase, or attempt to purchase from the court of Rome, or elsewhere, nor use and put in execution, divulge or publish, any thing heretofore within this year past purchased or to be purchased hereafter, containing matter prejudicial to the high authority, jurisdiction, and prerogative royal of this his said realm, or to the let, hindrance, or impeach-

ment of his grace's noble and virtuous intended purposes in the premises; upon pain of incurring his highness's indignation and imprisonment, and further punishment of their bodies for their so doing, at his grace's pleasure, to the dreadful example of all others."

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This proclamation, as appears by the date, was published somewhat more than a month after the expostulating letter sent to the pope: and it is probable the king might be encouraged to exert himself thus far, by seeing the principal of his subjects so forward in his interest.

The pope and conclave, we may imagine, were somewhat alarmed at the proclamation and remonstrance. These, they perceived, were unusual freedoms, and looked like steps to a further remove. To prevent worse consequences, the pope was willing to salve up the matter, and recover the king's friendship. To this his holiness was the more disposed by a late disappointment from the emperor. The case was this: his imperial majesty was desired to refer the determination of the differences between the pope and the duke of Ferrara, to such persons as he thought fit. Modena and Rhegio were the matter in dispute. Now the emperor happened to pitch upon such judges, as awarded these towns to the duke. This sentence so far disgusted the pope, as to dispose him to break with the emperor. The juncture standing thus, it is probable the king might have closed with him, and been gratified in the divorce, had not his parliament discovered their inclination to extend the regale.

*The pope
inclined to
give the king
satisfaction.*

The parliament being now sitting, it was thought fit to acquaint the houses with the resolution of the learned relating to the marriage. To this purpose the lord chancellor, Stokesly, bishop of London, and several other lords spiritual and temporal, went to the house of commons and told them, they could not be unacquainted how the king's mind was disturbed for having married his brother's wife. That to disentangle his conscience, he had applied to the most celebrated universities; not but that Oxford and Cambridge were well qualified for the debate: but his majesty was willing to give himself and the world all imaginable satisfaction. Upon this, Mr. Bryan Tuke was ordered to read the determinations of the universities in

*The censures
of the uni-
versities
read in par-
liament.*

WAR-
HAM,
Abp. Cant.

April 5,
1530.
Bp. Burnet,
pt. 1. p. 106.
Conventio-
nes Acta
Publica, &c.
tom. 14.
p. 454.
*The convo-
cation deter-
mined for
the divorce.*

France and Italy, which were only six; to which may be added the two English universities.

And to strengthen the authority of these decisions, the matter had been referred to the convocation. The case was proposed under these two questions: "Whether the marrying the relict of a brother deceasing after the consummation of the marriage was prohibited by the law of God, and above the pope's dispensation?" This question being debated by the prelates and lower house for several days together, 253 of the members determined for the affirmative, the negative being maintained by no more than 19.

The second question, which lay within the profession of the canonists and civilians, was put thus: "Whether the consummation of the marriage between prince Arthur and the princess Catherine, now queen, was sufficiently proved?" For the debating this question, there were 47 professors of the canon and civil law, of which 3 were proxies. Of these, 41 decided the question in the affirmative: and here it may not be improper to observe, that John, bishop of Rochester, and George, bishop of Landaff, were on the negative side in the first question, and so was John, bishop of Bath and Wells, in the second. From whence it appears our learned Church historian was mistaken in affirming, "that all the bishops excepting Fisher declared under their hands and seals, that they judged the marriage unlawful."

*But three of
the bishops,
&c. were
against it.
Harmer,
p. 193. 296.*

Bp. Burnet,
Hist. Ro-
form, pt. 1.
p. 38.
Reflections
on Varillas,
p. 22. 28.
35.
May 31,
1531.
*Two mes-
sages sent to
the queen
upon this
business.*

Ld. Herbert,
p. 326.

*But to no
effect.*

The king, being thus fortified with the decisions of the learned, sent some lords of the council to acquaint the queen with it: they had likewise in charge the proposing of an expedient to put an end to the debate: and that her highness would refer the matter to four spiritual and four temporal lords of this kingdom. But the queen would not be prevailed with to depart from her appeal. Her answer, therefore, was, that she could not quit the relation of being the king's wife, until the court of Rome should determine the contrary.

The king, who was resolved to omit nothing to bring her to an acquiescence, sent another message. The instructions were somewhat more rugged and menacing than the former: in the close, she was told, that the scruples of the king's conscience ran so high, that of late his highness had forbore to hold any correspondence with her by visits, or receiving of tokens: and

that now her grace had the liberty of retiring to Oaking, East Hamstead, or the monastery of Bisham, as she liked best. To which the good queen replied little more than this: that no distance could discharge the relation, or remove her from being the king's wife. And from this time it is said the king never saw her more.

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VIII.

July 14.

Ibid.

There is one remarkable passage, which I should have mentioned the latter end of the last year; and that is, the whole clergy's falling under a præmunire for acknowledging cardinal Wolsey's legatine authority: and thus an indictment was brought against the body of this order into the King's Bench: and here, as it is said, "it was in vain to plead the king had not only connived at the cardinal's proceedings, but made him all that while his chief minister. That therefore they were excusable in submitting to an authority so much encouraged by the king; especially since, if they had done otherwise, they must have been unavoidably ruined: for, to all this, it was answered, that the laws were still in force: that they ought to take notice of the constitution at their peril, and that their ignorance could not excuse them. However, though by the court's proceeding to a sentence, they were all out of the king's protection, and liable to the forfeitures in the statutes, his highness, notwithstanding, was willing, upon a reasonable composition, and a full submission, to pardon them."

The clergy brought under a præmunire for owning cardinal Wolsey's legatine authority.
Antiquit. Britan. Eccles. p. 325.
Bp. Burnet, Hist. Reform. pt. 1. p. 106.

Id. p. 112.

The clergy, finding themselves thus distressed, were glad to compound for their acquittal: but as for any submission with respect to their power of not making canons without the king's license, there was none such made till two years forward, as will appear hereafter. To return to their composition, which was somewhat severe; for the province of Canterbury parted with an hundred thousand pounds, and the province of York with eighteen thousand eight hundred and forty. This was a prodigious fine at that time of day; and it is probable was more than twenty times the value of the same sum at present.

They compound with the king.

But, after all, it is probable the process was not carried through, nor judgment given against the clergy in the King's Bench: for Holinshed says, they compounded before the day of their appearance: and lord Herbert only says they were brought to the King's Bench, which, it may be, means no more than a summons: for had their trial passed through the forms, and the court proceeded to judgment, we should, in all likelihood, have had a particular account of the judgments that

Holinshed, p. 923.

WAR-
HAM,
Abp. Cant.

*Their case
considered.*

27 Edw. 3.
cap. 1. 16.
Rich. 2.
cap. 5.

sat, of the prelates who came thither, and the council that pleaded the cause. Such a famous cause as this, we may imagine, would never have been omitted in our lawyers' reports.

Now whether the clergy were hardly used or not, will appear in some measure from a few remarks upon this subject.

First, if the clergy were indicted upon the statutes of Provisos or Præmunire the question will be, whether their case falls under the penalties of these acts, and here I shall only offer something in a problematical way, without pretending to determine upon the point.

Now it may be alleged, the clergy did not fall under the forfeitures of the statutes above-mentioned by owning Wolsey's legatine character: for do these statutes either make a grievance of the functions of a legate, or so much as mention that character? The purview of these acts seems plainly set forth in the preamble. And what is that? It is to secure patronages from papal provisions; it is to prevent the impeachment of judgments given in the king's courts; it is to guard the prerogative from the encroachment of the conclave. Now which way does it appear that a moderate exercise of the legatine commission was inconsistent with the rights of the subject, or the jurisdiction of the crown above-mentioned? Might not Wolsey make use of his legatine authority in convening national synods, voting for the passing or nulling of canons, and doing other things of a spiritual nature, without encroaching upon any branch of property or prerogative? One would think there were many powers within the verge of his authority inoffensively practicable.

Godwin de
Presul. in
Chicheley.
Bp. Burnet,
Hist. Re-
form. pt. 1.
p. 112.

Further, it is observed, that several English archbishops, since the making of these statutes, have acted as pope's legates without any prosecution from the state: and, which is more, it appears pretty plainly that those lords and other persons of figure who exhibited the articles above-mentioned against cardinal Wolsey, were not of opinion that the legatine authority was necessarily subversive of the king's prerogative, or inconsistent with the laws of the land: this, I say, seems to appear clearly enough from the twenty-eighth article, which runs thus:—

"That the said lord cardinal did first sue unto your grace to have your assent to be a legate à latere, promising and solemnly protesting before your majesty, and before the lords

both spiritual and temporal, that he would nothing do nor attempt by the virtue of his legacy, that should be contrary to your gracious prerogative or regality, or to the damage or prejudice of the jurisdiction of any ordinary, and that by his legacy no man should be hurt nor offended: and upon that condition and no other, he was admitted by your grace to be a legate within this your realm."

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Coke's Institut. pt. 4.
fol. 92.

Now is it not pretty plain, by the tenor of this article, that the functions of a legate were not so irreconcilable with the laws as has been affirmed? One would imagine the lords who exhibited the charge should understand the constitution in this matter: especially since they had three eminent lawyers, Sir Thomas More, lord chancellor; Fitz-James, chief-justice of England; and the famous Fitz-Herbert, another judge, to direct them: for these three subscribed the impeachment with the other lords.

Antiq. Brit.
Eccles.
p. 325.
Bp. Burnet,
pt. 1. p. 112.

Coke, *ibid.*
fol. 95.

Secondly. Supposing these statutes should affect the legate's authority, and those who owned it, it was within the king's prerogative to have dispensed with the penalty. That the king might have screened the clergy from punishment, appears by the resolution of all the judges of England; where they unanimously deliver it as their opinion, that notwithstanding the king cannot grant the benefit of a penal statute to a subject under the broad seal, yet they agree that his majesty (upon any consideration moving him with respect to time, place, or person, &c.) may grant a "non-obstante," to dispense with any particular person, to prevent his incurring the penalty of the statute: and to affirm this, say they, we are warranted by our books. And in Calvin's case the king's prerogative to dispense with an act of parliament, is maintained by all the judges in a very remarkable instance.

Coke's Reports, pt. 7.
fol. 36, 37.
Ibid. fol. 14.

Thirdly. Since it was in the king's power to have granted a "nolle prosequi," to remit the penalty, or at least to have returned their money: the question is, whether he was not bound in justice to do it? The reason of this question is, because the cardinal, as has been proved already, had a warrant under the broad seal to indemnify him in the exercise of a legate's office. And is it not somewhat rigorous the king should prosecute his own act and deed: that he should lay so heavy a burthen upon the clergy, and draw so vast a sum

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HAM,
Abp. Cant.

from them, for owning an authority under so public a countenance? Would not this usage have been complained of as intolerable oppression had it been put upon any other persons? Besides, the clergy were passive more than any thing else: and rather suffered under, than abetted Wolsey's legatine authority. That this was their unfortunate case, appears by the articles against the cardinal already mentioned.

But this was not all: there was more than money required of the clergy. The king, perceiving the process of the divorce move slowly at Rome, and the issue look unpromising, projected a relief another way. To this purpose he seems to have formed a design of transferring some part of the pope's pretensions upon the crown, and setting up an ecclesiastical supremacy. And now, having gotten the clergy entangled in a præmunire, he resolved to seize the juncture, and push the advantage. Thus the regale was required to be acknowledged in uncustomary language; and a new submission of this kind put to the convocation. The author of the "Antiquitates Britannicæ" informs us, "That the king refused to pardon the præmunire, unless the clergy submitted to own him their sole and supreme head, next and immediately after Christ." Cranmer and Cromwell were suspected to have suggested this thought to the king. The demand of this new title surprised the clergy extremely; they were somewhat at a stand about the meaning; and were apprehensive dangerous consequences might be drawn from it. The matter was debated a great while; and the archbishop obliged the houses to secrecy under the highest censures. To overawe them into a compliance, the lord Rochford, Cromwell, master of the rolls, and some of the judges, were sent to the convocation: they told them that the king was resolved not to discharge the penalties incurred, unless they would acknowledge the title above-mentioned. At last the archbishop demanding the sense of the houses, most of them said nothing: upon which he told them, "Silence implied consent." To this they replied, "Then we are all silent." But such a dark imperfect way of declaring themselves being looked on as unsuitable to a synod, and might be construed an evasive answer, it was thought fit to come to a more explicit resolution: and thus, at last, they agreed to acknowledge the king supreme lord and protector, and also, as far as was consistent with the laws of the Gospel, supreme head.

The clergy acknowledge the king supreme head of the Church, but not without a reserve.

"The king was not pleased to find their submission thus softened with ambiguities and exceptions: Cromwell, therefore, was sent to the convocation, and ordered to tell them, that unless they spoke plain, and threw out the restriction, the *præmunire* would not be discharged. Upon this they unanimously voted the king chief head of the Church of England, without reserve."

HENRY
VIII.

Antiq. Brit.
Eccles.
p. 325, 326.

Thus far this author, who is followed in this account by Mason "*de Ministerio Anglicano*." But, after all, the matter is misreported: for the clergy did not make so absolute a submission, nor throw out this clause, as these writers pretend. To give a short account of this remarkable business:—

Several
forms pro-
posed.
Lib. 3. c. 4.
p. 281.

The new acknowledgment was first proposed in this form, "*Ecclesie et Cleri Anglicani cujus protector et supremum caput is solus est*," *id est*, the king is sole protector and supreme head of the Church and clergy of England. But this would not pass; the reason assigned for their refusal was, the article being couched in such general terms, they were afraid it might be misunderstood in future ages, and interpreted to an ungodly sense. After three days, the king, finding them constant to their resolve, relaxed a little, and stooped to something of a mitigation: he was prevailed with, that the addition, "after God," should follow the words, "head of the Church," &c. But neither did this qualification satisfy the clergy, who chose rather to run the utmost hazards than comply. This fortitude proved very serviceable: for soon after the archbishop brought in a more inoffensive form, letting them know, the king was willing to accept the acknowledgment with the limitation of "*quantum per legem Christi licet*, supremum caput," &c. And with this proviso, the supremacy was passed, though not without something of a struggle.

*Ne termini,
&c. in sen-
sum impro-
bum traher-
entur.*
Journal of
Convoca-
tion.

But then this submission was not made by way of petition to the king, as a reverend prelate supposes. The clergy pitched upon a less obnoxious manner; and tacked their acknowledgment to the grant of a hundred thousand pounds, which they gave to the king by way of composition. I shall transcribe some part of the instrument. And here, in the penning of this grant, the clergy seem very cautious to remove the imputation of a forfeiture, as much as may be: for the money granted runs in the form of a benevolence or gratuity. They give the king this sum by way of gratitude: particularly for

Bp. Burnet,
p. 1. p. 112.
*Their sub-
mission not
drawn in a
petition, but
acknow-
ledged in a
grant.*
Journal of
the Convo-
cation Book.
Regist.
Warham et
Stokesly.
See Records,
num. 17.

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Abp. Cant.

writing the book against Luther, for suppressing the heterodoxies, and checking the insults upon the clergy, from that party. As for their submission, it is not only penned with a salvo, but thrown into a parenthesis, as if it came in only by the by. And where they move for a discharge from any forfeitures incurred by the statutes of Provisos and Præmunire, they likewise address for a pardon of the breach of other penal laws: and thus, by moving for a security against other acts of parliament, they seem to fence against the prosecution, and keep their fault from being particularly pointed upon the act of Præmunire. And this seems the reason why they are not

63. more precise and determinate in owning the cause of their indictment. This seems to be the reason, I say, why they are not more particular in addressing for their pardon, nor take any notice of their owning the legatine authority.

Journal of
Convoca-
tion.
Dr. Atter-
bury's
Rights, &c.
of an Eng-
lish Convo-
cation, &c.
p. 84.

Reginald
Pole not pre-
sent in that
convocation.
Bp. Burnet,
pt. 1, p. 112,
113.

De Union,
p. 58.
Bp. Burnet.
Ibid.

Bp. Burnet,
pt. 1, p. 221.

De Union,
Eccles.
p. 58, p. 1.
84.

Those who agreed to the form of submission in the upper house, were nine bishops, sixty-two abbots and priors: in the lower house, thirty-six voted for it in person: and these being proxies for forty-eight more, came up to a majority.

Our learned Church historian is of opinion, that Reginald Pole sat in the house when this submission passed. But that noble person, in his book "*de Unione Ecclesiastica*," disproves this conjecture. Where, speaking to king Henry VIII., "Your highness," says he, "is very desirous of being called the supreme head of the Church: and you declare this additional title was given you by the consent of all the states of the realm. But as for me, I was not upon the spot when these things passed." The reverend prelate above-mentioned, fortifies his conjecture, by observing, that the king continued Pole's pensions and preferments after this time: but by the way, this is no proof that Pole subscribed for the king's new title: for notwithstanding he had disobliged the king, in a higher manner than this comes to, his preferments were not taken from him: and of this we have a remarkable instance in his book above-mentioned. "Now this book was published in the year 1536, and written expressly against the king's ecclesiastical supremacy; yet even there Pole owns himself extremely obliged to the king for his bounty. And, that though his highness punished his opinion in others, yet he was pleased to encourage his studies, and continue his favours to him."

The king, receiving satisfaction in this matter, signed a bill

to pardon the clergy. This bill passed with the Lords, but stuck in the lower house: the reason why the Commons demurred, was their not being included themselves. The king being displeased with their refusal, let them know, they were not to stand upon terms, nor capitulate for an act of grace. The Commons perceiving they had taken a wrong step, resigned themselves to the king's clemency, and gained their desire.

HENRY VIII.

The clergy pardoned by act of parliament.
Holinshead, p. 923.
Lord Herbert, p. 321.

The clergy of the province of Canterbury, being thus pardoned, proceeded to tax their body in convocation. And here all the city clergy are said to refuse contributing their proportion towards the payment of the hundred thousand pounds. Thus our learned Church historian reports the matter from Hall. But Hall, this reverend prelate elsewhere observes, was but a superficial writer: and here especially, he seems to deserve that character. For why should the inferior clergy claim an exemption from being assessed? For the lord Herbert informs us, that the king's learned council had declared after a long debate, that the whole clergy were fallen under a premunire. Secondly, what reason had the city clergy to refuse paying their share of the composition, when they must needs know the lower house had consented to the grant no less than the prelates? That this was matter of fact, appears plainly from the grant already mentioned.

Bp. Burnet, pt. 1. p. 114.

Id. in Pref.

Ld. Herbert, p. 320.
Dr. Atterbury's Rights, &c. of an English Convocation, p. 85.

The convocation at York stuck longer upon the new title, and came not to a resolution till May following. The see of York was then void; and Tunstal, bishop of Durham, protested against the proceedings. Which being remarkable both for person and matter, I shall translate part of it. "And here he scruples the subscribing this clause, 'cujus singularem protectorem, unicum et supremum Dominum, et, quantum per Christi legem licet, etiam supremum caput, ipsius majestatem recognoscimus.' This clause," says the bishop, "seemed to have an inoffensive appearance at the first view: but considering that some persons lately prosecuted upon suspicion of heresy, have interpreted these words to an ill sense, questioned the jurisdiction of their ordinaries, and endeavoured to shelter themselves from the censures of the Church: for this reason, I conceive, this recognition ought to be couched in terms more precise and distinguishing. For if the words hold forth no more than this meaning, that the king is, under Christ, supreme head in his dominions, and particularly of the English clergy,

May 4.
A. D. 1531.
The convocation at York more dilatory in passing the acknowledgments.
Bp. Tunstal's remonstrance against the king's title of supreme head of the Church and clergy.

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HAM,
Abp. Cant.

in temporal matters : this, as it is nothing more than we are all willing to acknowledge, so to prevent all misconstructions from heretics, the clause should be put in clear and decisive language. But on the other side, if we are to understand, that the king is supreme head of the Church both in spirituals and temporals, and that this supremacy is conferred upon him by the laws of the Gospel—for thus some heterodox and malevolent persons construe the proviso, ‘quantum per Christi legem licet’—then this construction being repugnant, as I conceive, to the doctrine of the Catholic Church, I must dissent from it. And notwithstanding the clause of ‘quantum per Christi legem licet,’ may be taken by way of limitation and restriction, yet because the proposition is still somewhat involved, I think it ought to be further discharged from ambiguity. For supreme head of the Church carries a complicated and mysterious meaning: for this title may either relate to spirituals or temporals, or both. Now when a proposition is thus comprehensive and big with several meanings, there is no returning a single and categorical answer. And therefore, that ‘we may not give scandal to weak brethren,’ I conceive this acknowledgment of the king’s supreme headship, should be so carefully expressed as to point wholly upon civil and secular jurisdiction. And with this explanation, the English clergy, and particularly myself, are willing to go the utmost length in the recognition. But since the clause is not at present thus guarded and explained, I must declare my dissent; and desire my protestation may be entered upon the journal of the convocation.”

Id. Append.
p. 519.

Cabala,
p. 227.

The king not being pleased with these scruples, returns an answer to this protest, or at least to some other paper of a like tendency. However, by the terms of salutation, we may certainly conclude the answer was directed to a bishop. In the entrance upon the dispute, the king complains, “the bishop had strained the clause of recognition, and perplexed the meaning. That if words were always thus racked, and set upon the tenters, letters and learning would signify little.”

*The king's
answer to
the objections
upon this
argument.*

The king takes notice, “the bishop had proved our Saviour the head of the Church; that he lodged the branches of his spiritual and temporal jurisdiction in different subjects; that he made a grant of the latter to princes, and that bishops were commissioned for the other. But then the text cited to prove obedience due to princes, comprehends all persons, both clergy

and laity, and no order of the hierarchy is exempted. It is true, you restrain this submission to temporal matters, but the Scripture expressions are general and without reserve. For you do not stick to confess, that whatever power is necessary for the peace of civil society, is included in the chief magistrate's commission. From hence we infer, that the prince is authorized to animadvert upon those who outrage religion, and are guilty of the breach of the divine precepts. For certainly we are not bound to give our own laws a preference over those of God Almighty, nor punish the violation of the one, and connive at the other. All spiritual things therefore in which liberty or property are concerned, are necessarily included in the prince's power. And this may be made good by the Scriptures, Fathers, and other authorities of the learned, cited in your letter. Your next business is to prove that preaching and administering the sacraments belong to the sacerdotal function; and that our Saviour gave the hierarchy a commission for this purpose. We know nobody denies you this: but then spirituals are commonly taken in too extensive a sense, and the priest's authority strained beyond the warrant of the text. Our Saviour himself had a sacerdotal character, and yet submitted to Pilate's jurisdiction. And St. Paul, though a priest of apostolical distinction, makes no scruple to say, 'I stand at Cæsar's judgment-seat, where I ought to be judged.'" The king proceeds to reason upon parallel cases. "A physician can cure a disease much better than a prince, and yet neither his power nor his quality reaches up to a royal distinction. Thus when bishops assist in the consecration of archbishops, do not they bestow a higher dignity than they have themselves? It is true, kings and emperors obey bishops and priests as Christ's ambassadors: but when their embassy is over, they lessen into a private condition; their public character sleeps, and they acknowledge the civil magistrate for their sovereign."

Further, to prove the supremacy of princes, he refers to the laws of Justinian. "For," as his majesty continues, "with what conscience could that emperor have made laws touching the regulation of the Church, if he had not believed that spiritual society had been part of his charge? It is true, princes are sons of the Church in your definition of that body: but this does not hinder them from being supreme heads of Christian men." The king advances in the dispute, and argues for his

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64.

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HAM,
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title "from the convocations meeting by writ ; from the bishops' homage and oaths of allegiance ; from the royal licence and assent in the election of abbots. And as concerning the goods and estates of the clergy, it is plain," says he, "they are under the settlement and direction of our laws.

"Then as to the government of the clergy with respect to their manners and behaviour, some criminal causes are reserved to our courts, and some by our permission remitted to the ordinaries. Murder, felony, and treason we reserve to our correction : as for other instances of misbehaviour, we leave the clergy to be punished by their respective bishops. Not because we have no authority to interpose in cases of this nature ; for you know very well, it is within our commission to punish priests for adultery, if we thought fit. We grant the sacraments, those conveyances of grace, are to be administered by persons of a holy character : but then, if they misbehave themselves in their function, to a degree of scandal, the civil magistrate may try the cause, and punish the crime. And then as to the spiritual character, since the prince's authority or permission is previous to the execution of their office, why should they scruple to call him head, with respect to that power which is derived from him ? However, to avoid calumny, there is added a restriction of 'quantum per Christi legem licet,' that is, as far as is consistent with the Gospel dispensation, &c."

The king's answer goes somewhat further. But thus much may be sufficient to discover the manner. Whether his majesty's precedents were unexceptionable, his grounds firm, and his inferences well drawn, I must leave to the collection of the reader.

By several passages referred to in this letter, it is plain it was not an answer to bishop Tunstal's protestation : for in that instrument there are none of those passages. However, it is possible, it might be a reply to some other discourse of that prelate upon this subject. As to the clause of "quantum per Christi legem licet," we have the authority of this letter for its being inserted : to which, besides the proof already given, we may add the testimony of the lord Herbert, and of Fuller too, who saw the acts of the convocation. And here I shall only observe, that the king's letter in the Cabala is misdated, and set two years forward. But this might be only the negligence of the transcriber.

Ld. Herbert,
p. 320.
Fuller,
Ch. Hist.
p. 84.

This year Bylney was delated for relapsing into heresy, and burnt at Norwich. Sir Thomas More is positive, that before he suffered, he recanted in form, and received absolution and the sacrament from the bishop's clergy. Fox denies this recantation, and endeavours to disprove More: but then he writes out of his talent, and rallies somewhat untowardly. He charges this gentleman, then lord chancellor with insincerity; but gives up the main cause. He supposes Bylney's receiving absolution, and confessing his sins to one of the bishop's priests, does not imply the retracting his former opinions. But here it must be granted, Fox fails in his reasoning: for when a person is charged with heresy, and prosecuted to proof, it was never the custom of any Church to absolve him without a previous recantation.

Fox goes further in his concessions: he supposes Bylney might hear mass, and receive the sacrament in the Church of Rome, without recanting his tenets. Nay, he believes he did receive the sacrament. This acknowledgment makes all Fox's conjectures insignificant, and destroys the force of his counter evidence. For we may be assured, he would never have been admitted to the holy eucharist, had he not been reconciled to their communion. But he has one remark upon Sir Thomas More's narrative, which has more weight in it: and here he puts somewhat of a hard question. Why did they burn him after his recantation? By going this length, he was no heretic; why then should he suffer the penalties of heresy? But then Fox's saying this was only an ecclesiastical law, is a mistake. For by act of parliament, those who relapsed into heresy were to be burnt *in terrorem*. Thus it may be the Church could not help it; and therefore the rigour of the execution must be thrown upon the state. It is true, some casuists affirm, that it is in the power of the spiritual court to wink at the proof of a person thus prosecuted, and not pronounce him relapsed. And here the canon lawyers are almost at a loss: some affirm, that the ecclesiastical judge is under no necessity of putting a heretic relapsed into the hands of the secular magistrate, and that he may mitigate the rigour of this punishment, and commute it to perpetual confinement in the bishop's prison. But then there must be some colour of defect in the evidence, to make way for this favour: for when the proof is clear and demonstrative against the criminal, it is not in the Church's power to preserve him. Not long after, Bayfield, a priest, was

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Aug. 19,
A. D. 1531.

*Bylney
suffers for
his tenets at
Norwich.
More,
p. 349.
Fox denies
his recanta-
tion.*

Fox, p. 273.
Edit. 1641.

Id. p. 274.
25 Hen. 8.
cap. 14.
20 Hen. 5.
cap. 7.
65.

Lyndwood,
lib. 5. de
Hæreticis.
Tit. item
quia turpis,
&c.

WAR-
HAM,
Alp. Cant.

Jan. 15,
A. D. 1531-2.
The grievances of the commons with respect to the clergy redressed in several statutes.

burnt upon the charge of heresy. But the business of this work being no martyrology, I shall not be particular in every thing of this kind.

The latter end of this year, the parliament sat again after a prorogation. This sessions the commons addressed the king against the clergy. The articles were digested in a book called "The Supplication." The king's answer was, he would be further advised, and hear the defence of the parties accused; and then, after a representation on both sides, he should proceed as the case required. This complaint occasioned the making several statutes this parliament. For instance, "None under a subdeacon who had been convicted of petty treason, murder, or felony, should have the benefit of the clergy, and be delivered to their ordinary." It was likewise enacted, "That none within the orders of subdeacon, or above, who were found guilty of the crimes aforementioned, should be admitted to make their purgation, without being bound with sufficient sureties for their good abearing. Neither was this favour of purgation allowed those who, after confession or judgment, were admitted to their clergy, and delivered to the ordinary." It was likewise provided, "That ordinaries having such persons in their custody, might degrade them, and send them to the King's Bench."

23 Hen. 8.
cap. 1.

23 Hen. 8.
cap. 10.

23 Hen. 8.
cap. 11.

Payment of annates extinguished under some provisos.

Further: "Feoffments of land to the use of a church, as little differing from mortmain," were made void. "And whereas, divers having the privilege of their clergy, and being afterwards committed to their ordinaries, brake prison," such an escape was now made felony. This year there passed a remarkable act concerning annates, or the first-fruits of bishoprics, paid usually to the see of Rome, for the obtaining of palls, bulls, &c. The preamble sets forth the reasons and considerations upon which the statute was grounded. As first: "Because great sums of money had been already drawn out of the kingdom upon this score." The sum is mentioned, and amounts to no less than a hundred and sixty thousand pounds sterling, since the second year of king Henry VII.

Secondly, "This grievance was likely to export more treasure shortly, because many of the bishops were very far advanced in life."

Thirdly, "It is observed, these annates were first granted for maintaining forces against the infidels. It is therefore enacted, that this burthen should be taken off, and no more

payments made to the pope, unless under the qualifications and restrictions afterwards mentioned. To mention one of the limitations, viz. : That the court of Rome may not think themselves unrewarded for their trouble, in drawing up bulls, sealing them in lead, &c., it was enacted, that five pounds in the hundred, according to the rate of the annual value of the bishoprics, all charges deducted, might be allowed upon this consideration." To proceed.

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"And if any person elected to a bishopric, and presented by the king to the pope, shall be either denied or delayed in his bulls, the king's highness may then present him to the archbishop of the province for his consecration; and in case the said archbishop shall delay the proceeding to this solemnity, for lack of palls, bulls, or other pretended requisites, the person so named shall be consecrated and invested by any two bishops of the realm, appointed by the king for the time being, for this purpose. And every such archbishop and bishop so named, presented, and consecrated, shall be taken and reputed as perfect and complete in every part of their character."

By the way, there is an express clause to empower the king to void or confirm this statute, or any branch of it, within two years next following. Having observed this, I shall proceed to the remainder. For the purpose: it is declared in this act,

"That the king and the estates have no intention of coming to extremity, unless gentler methods prove ineffectual. If therefore the king shall please to propose an amicable composition, and his holiness shall think fit either to relinquish his claim to these annates, or moderate his demands, that in this case such agreement and composition between his highness and the court of Rome should stand firm in law, and be punctually observed. But if the pope should refuse to take off part of the pressure, continue his former exactions, and pursue his claim by excommunications, interdictions, or any other process and censures upon the king and his subjects, it is then enacted, that the king's highness, his heirs and successors, kings of England, and all his spiritual and lay subjects of the same, without any scruples of conscience, shall and may lawfully, to the honour of Almighty God, the increase and continuance of virtue and good example within this realm, the said censures, excommunications, interdictions, compulsories, or any of them notwithstanding, minister, or cause to be ministered throughout

*The pope's
censures
overruled in
case he
refused a
composition.*

WAR-
HAM,
Abp. Cant.

this said realm, and all other the dominions and territories belonging or appertaining thereunto, all and all manner of sacraments, sacramentals, ceremonies, or other divine services of the holy Church, or any other thing or things, necessary for the health of the souls of mankind, as they heretofore, at any time or times, have been virtuously used or accustomed to do within the same; and that no manner such censures, excommunications, interdictions, or any other process or compulsories, shall by any of the prelates, or other spiritual fathers of this region, nor by any of their ministers or substitutes, be at any time or times hereafter published, executed, or divulged, nor suffered to be published, executed, or divulged, in any manner of ways."

Ld. Herbert,
p. 330.
Bp. Burnet's
Records,
book 2,
num. 41.

This act gave a remarkable check to the pope's supremacy, struck off his former claim, and obliged him to a reasonable composition: and in case he could not be drawn to an abatement of pretension, his censures and process are made insignificant, and the bishops and clergy were to go on in their functions, notwithstanding any excommunications or interdic-

66. tions to the contrary. This act was afterwards confirmed by the king's letters-patent within the time limited.

See Records,
num. 18.

Now when this payment was first claimed, how warmly the matter was contested, and how the court of Rome carried their point at last, has been already related. Here, therefore, I shall only mention the rates with which the English sees were charged. And here the reader may please to take notice that f. stands for florins, d. for ducats, and cr. for crowns:—

<i>Bishopric.</i>	<i>Paid.</i>	<i>Bishopric.</i>	<i>Paid.</i>
Canterbury	10,000 f.	Worcester	2000 f.
Besides for his } pall }	5000 f.	Hereford	18,000 f.
London	3000 f.	Chichester	333 f.
Winchester	12,000 d.	Rochester	
Ely	7000 d.	St. David's	1500 f.
Lincoln		Landaff	700 f.
Coventry and Lich- } field }	1733 d.	Bangor	126 f.
Salisbury	4500 cr.	St. Asaph	126 f.
Bath and Wells . .	430 d.	York	10,000 d.
Exeter	6000 d.	Besides for his } pall }	5000 d.
Norwich	5000 d.	Durham	9000 f.
		Carlisle	1000 f.

Eccles. Hist.
pt. 1, p. 503.

Lincoln not being valued seems to be a casual omission : and the see of Rochester being within the patronage of Canterbury, it is probable it may be rated in that archbishopric.

HENRY
VIII.
Fuller's
Ch. Hist.
book 5.
p. 196.

To proceed : notwithstanding the preamble of the York subsidy, the body of the grant was not perfected till November the twentieth : for this reason, the act of pardon for this province did not pass till this session of parliament. And now the clergy were called upon to explain themselves further, and to make a more distinct recital of the powers implied in their new acknowledgment.

The Commons, in their supplication above-mentioned, had complained of the clergy's claiming a privilege of making canons by their sole authority. This was the principal grievance in their address. The substance of the reasons on which the complaint is formed is contained in the clergy's reply.

An address
of the com-
mons against
the clergy.

I shall give the reader an account of this matter from authentic records, and particularly from two instruments which I transcribed from the Cotton library.

The clergy's answers to this remonstrance are drawn by way of address. The first begins thus :—

“ After our most humble wise, with our most bounden duty of honour and reverence to your most excellent majesty, endued of God with most incomparable wisdom and goodness ; pleaseth it the same to understand that we your orators and daily bounden bedesmen, the ordinaries, have read and perused a certain supplication, which the Commons of your grace's most honourable parliament now assembled have offered unto your highness, and by your command delivered to us, to make thereunto answer : and as the time has served and permitted we have, according to your highness's commandment, made thereunto this answer following, beseeching your grace's indifferent benignity graciously to hear the same.”

The con-
vocation's first
answer to
the suppli-
cation of the
Commons.
April 12,
1532.

And here, after a general complaint against seditious books imported from foreign parts, and the mismanagement of the spiritual courts, the supplication proceeds to particulars, “ And here the clergy are charged with falling foul upon the constitution, and making canons in contradiction to the laws of the realm ; that these ecclesiastical regulations were published in a foreign language, and passed without the assent of

WAR-
HAM,
Abp. Cant.

either the lay-subjects or the crown. That several of these provisions of the Church pressed upon the prerogative royal, and were oppressions upon liberty and property, that they reached to the interdiction upon lands and estates; and that the breach of the canons being menaced with excommunication, the terror of this censure put some of the lay-subjects to a stand, made them timorous and unresolved in their obedience to the king and constitution."

To this article the clergy replied: "That they presumed their authority in making laws is founded upon the holy Scriptures, and the resolutions of holy Church: that these grounds and principles being thus unquestionable, are by consequence a proper test to try the reasonableness of all other laws, both spiritual and temporal: and upon a just inquiry, they hoped there will be no inconsistency found between the laws of the Church and State. That if any of their canons are found to disagree with the rule above-mentioned, they are willing to reform what is amiss, and bring everything up to the proper standard: and on the other side they hope that if any laws of the State should deviate from the inspired writings, and clash with the privileges of the Church, his highness, with the consent of his parliament, will condescend to a temper in such cases: and thus there will be a perfect harmony between both societies. In the mean time, they humbly entreat his majesty not to be prepossessed against his subjects of the spirituality, as if they intended any manner of encroachments upon prerogative and law."

Dr. Atter-
bury's
Rights of
an English
Convoca-
tion, &c.
Append.
p. 521.

Gardiner's
letter of
excuse to the
king.

The king was neither pleased with this answer, nor with Gardiner for drawing it. This divine, therefore, now bishop of Winchester, thought it necessary to write a letter of excuse. "In this apology, amongst other things, he seems somewhat surprised the king should be displeased with the clergy's asserting a legislative authority in spiritual matters: he takes the freedom to suggest, that he humbly conceived his highness's book against Luther amounted to a concession of this point, and that the same doctrine seems plainly declared by the council of Constance in their censure of Wickliff's opinions: and if he should happen to mistake by not being acquainted with the strength of those proofs his majesty could

produce, he hopes his not knowing this evidence in reserve, HENRY VIII. may plead his excuse. On the other side he observes, that if the bishops have their authority by divine right or God's law, then, though they should mismanage in the exercise, or fail in 67. the discharge of their commission, yet it would not be in their power to resign it to the secular magistrate; and in case they should go thus far, such a surrender would be no less dangerous to the receiver than to the giver."

Biblioth.
Cotton.
Cleopatra,
E. 5.
fol. 200.

But neither would this letter dispose the king to acquiesce: he was still resolved to press the point. And therefore the convocation was ordered to consider further. This business was debated without effect for several days. The defects and reservations in the answer were laid mostly to the charge of the bishops and abbots: the prelates therefore perceiving themselves unsuccessful, referred the drawing a second reply to the lower house. Upon this a committee was appointed, a new answer penned and laid before the prelates, who agreed to it. Journal of the Convocation.

And now the bishops of London and Lincoln, the abbots of Westminster and Burton, Sampson, dean of the chapel, and Fox the almoner, were desired to present it to the king, which was done accordingly. The form runs thus:

"Forasmuch as the answer lately made by your clergy to your honourable Commons, for your satisfaction in the bill of complaint put up unto your highness, does not please nor satisfy your highness in some points concerning your own particular interest; specially in that point that concerns laws either new, to be by us made, or else old to be by us reformed: for your highness's better contentation in that behalf, we your said most humble chaplains, do now more specially answer to those points, as follows.

The clergy's
second
answer to
the supplica-
tion.

"First, as touching new laws to be by us hereafter made, we say that the laws and determinations of Christ's holy Church through all Christian realms received and used, be clear and manifest, that the prelates of the same Church have a spiritual jurisdiction and judicial power, to rule and govern in faith and good manners necessary to the soul's health, their flocks unto their cure committed. And that they have authority to make and ordain rules and laws tending to that purpose: which rules and laws hath and doth take their effect, in binding

WAR-
HAM,
Abp. Cant.

all Christian people, as of themselves; so that, before God, there needs not of necessity any temporal power or consent to concur with the same by way of authority.

“Item. They say that this power and authority in making laws in matters concerning the faith and good manners, necessary to the soul’s health, all Christian princes have hitherto recognized themselves bound to suffer the prelates to use within their realms: and have not claimed of the said prelates, that they should from time to time require their consent or licence, by the way of authority, more in making of such laws, than they do claim that the said prelates should from time to time require their consents authorisable in giving of holy orders to any of their subjects, or in the exercising of any other spiritual act depending upon their spiritual jurisdiction; (the authority whereof proceeds immediately from God, and from no power or consent authorisable of any secular prince) except it be that consent that is taken of the prince’s own submission to the faith Catholic, made not only by your noble progenitors, when they first admitted Christ’s faith, and the laws of the holy Church within their realms; but also by themselves first generally at their baptism, and after more specially and most commonly, by their corporal oaths at their coronation.

“We say also, that this power of making laws aforesaid is right well founded in many places of holy Scripture, now so much the less necessary here to be rehearsed, forasmuch as that matter is at large set out in a book, now by us put up unto your highness; and your highness yourself in your own book, most excellently written against Martin Luther, for the defence of the Catholic faith, and Christ’s Church, does not only knowledge and confess, but also with most vehement and inexpugnable reasons and authorities does defend the same: which your highness’s book, we reckon that of your honour you cannot, and of your goodness you will not revoke.

“Yet these considerations notwithstanding, we your most humble chaplains and bedesmen, considering your high wisdom, great learning, and infinite goodness towards us and the Church, and having special trust in the same, and not minding to fall into contention or disputations with your highness in any manner of matter, which we may do; we be contented to make promise to your highness, that in all such acts, laws, and

ordinances, as upon your lay-subjects we by the reason of our spiritual jurisdiction and judicial power shall hereafter make, we shall not publish, nor put them forth, except first we require your highness to give your consent and authority unto them: and so shall from time to time suspend all such our acts, ordinances, and laws, hereafter to be made, until such time as your highness by your consent and authority shall have authorized the same. Except they be such as shall concern the maintenance of the faith and good manners in Christ's Church, and such as shall be for the reformation and correction of sin, after the commandments of Almighty God, according unto such laws of the Church and laudable customs as have been heretofore made, and hitherto received and used within your realm.

HENRY
VIII.

"In which point our trust is, and in our most humble manner we desire your grace that it may so be, that upon the refusal of your consent, which we reckon that we need not to fear, but yet if any such thing should fall, your highness will be then contented that we may exercise our jurisdiction, as far as it shall be thought necessary unto us, for the maintenance of Christ's faith, and for the reformation of sin, according to our offices, and the vocation that God has called us unto.

"As for the second point, concerning laws which in time past have been made by us, or by our predecessors, contrary to the laws of this your realm, and to your prerogative, as is pretended. To this point, we, your highness's most humble chaplains, answer, and say, that such our laws, by our predecessors within this realm made, as contain any matter contrary to your laws or prerogative, and be not now in use, and do not concern the faith nor reformation of sin; when we shall be advertised of them, we shall right gladly in that part revoke them, and declare them to be void and of none effect; so that your said honourable Commons shall now dare execute your laws without any fear, dread, or anger of our said laws, if any such there be."

Biblioth.
Cotton.
Cleopatra,
E. 6. fol. 101.

The king thought this answer too artificially drawn; and that there was too much of ambiguity and subterfuge in it. He therefore ordered a form to be delivered to the almoner, which the convocation were required to sign, and from which his highness was resolved not to depart. It was couched in these terms.

May 10,
1532.

WAR-
HAM,
Abp. Cant.
*Articles sent
by the king
to the convo-
cation.*

"First. That no constitution or ordinance shall be hereafter by the clergy enacted, promulged, or put in execution, unless the king's highness do approve the same by his authority and royal assent: and his advice, aid, and favour be also interponed for the execution of every such constitution to be made in time coming among his highness's subjects.

"Secondly. That whereas divers of the constitutions provincial, which have been heretofore enacted, be thought not only much prejudicial to the king's prerogative royal, but also much onerous to his highness's subjects, it be committed to the examination and judgment of thirty-two persons; whereof sixteen to be of the upper and the nether house of the temporality, and other sixteen of the clergy; all to be appointed by the king's highness: so that finally which soever of the said constitutions shall be thought and determined by the most part of the said thirty-two persons worthy to be abrogated and annulled, the same to be afterwards taken away and to be of no force and strength.

"Thirdly. That all other of the said constitutions which stand with God's laws, and the king's, do stand in full strength and power, the king's highness' royal assent given to the same."

Until Monday, May 13.

The king complains of an inconsistency of oaths taken by the clergy.

Lat. Herbert, p. 335.

The convocation were much perplexed at their receiving this message from the king: and after some time spent in consultation, it was resolved to send four of the upper and six of the lower house to the bishop of Rochester, by whose advice they seemed disposed to govern themselves: and to wait for this prelate's resolution they adjourned three days. Now Fisher's principles were not likely to put the clergy upon any measures acceptable to the court. The king therefore, being informed to whom the matter was referred, sends for the speaker of the house of Commons, complains the clergy were but half his subjects. To justify this imputation, suggests an inconsistency between the oaths taken by the bishops and abbots to the pope, and that of allegiance. These two oaths being read by the king's order in parliament, not only overawed the clergy to a closer submission, but also led the way to a full renunciation of the pope's authority.

And that the reader may judge how far this complaint was reasonable, I shall lay them before him.

*Their Oath to the Pope.*HENRY
VIII.

"I, John, bishop or abbot of A., from this hour forward shall be faithful and obedient to St. Peter, and to the holy Church of Rome, and to my lord the pope and his successors canonically entering. I shall not be of counsel nor consent that they shall lose neither life or member, or shall be taken or suffer violence or any wrong by any means. Their counsel trusted as a secret to me, their messengers or letters, I shall not willingly discover to any person. The papacy of Rome, the rules of the holy Fathers, and the regalia of St. Peter, I shall support, maintain, and defend against all men. The legate of the see apostolic going and coming I shall honourably treat. The rights, honours, privileges, and authorities of the Church of Rome, I shall endeavour to preserve, defend, augment, and promote. I shall not be in council, treaty, or in any act, in the which any thing shall be contrived against the Church of Rome, their rights, sees, honours, or powers. And if I know any such to be moved or compassed, I shall resist it to my power, and as soon as I can, I shall advertise him or such as may acquaint him with it. The rules of the holy Fathers, the decrees, ordinances, sentences, dispositions, reservations, provisions, and commandments apostolic, to my power, I shall keep, and cause to be kept by others. Heretics, schismatics, and rebels to our holy Father, and his successors, I shall resist and prosecute to my power. I shall come to the synod when I am called, unless hindered by a canonical impediment. The thresholds of the apostles I shall visit yearly in person, or by my deputy. I shall not alienate or sell my possessions without the pope's advice. So help me God and the holy evangelists."

*The bishops' oath to the pope.*Bp. Burnet,
Hist. Re-
form. pt. 1.
p. 123, 124.

Bishop Burnet translates "prosequar et impugnabo" in the original by "resist and persecute."

Their Oath to the King.

"I, John, bishop of A., utterly renounce, and clearly forsake, all such clauses, words, sentences, and grants, which I have, or shall have hereafter of the pope's holiness, of and for the bishopric of A. that in any ways have been, is, or hereafter may be hurtful or prejudicial to your highness, your heirs, successors, dignity, privilege, or estate royal: and also I do swear, that I will be faithful and true, and faith and truth will bear to you my sovereign lord, and to your heirs, kings of the

Their oath to the king.

WAR-
HAM,
Abp. Cant.

*In bishop
Burnet's
translation
it is "So
help me God,
and all
saints."
But "all
saints" are
not in the
original.
Cotton.
Libr. Cleop.
E. 6. fol. 54.*

said realm, of life and limb, and earthly worship, above all creatures, for to live and die with you and yours, against all people. And diligently I shall be attendant on all your affairs and business according to my skill and power; and your counsel I shall keep, acknowledging myself to hold my bishopric of you only, beseeching you for the restitution of the temporalities of the same, promising as before, that I shall be a faithful, true, and obedient subject to your highness, your heirs and successors, during life: and the services due to your highness for the restitution of the temporalities of the said bishopric, I shall truly and obediently perform. So help me God and the holy evangelists."

*Whether
any danger-
ous incon-
sistency
between
these oaths.*

I have transcribed bishop Burnet's translation as to the main: this learned historian supposes the contradiction between these two oaths was so visible, that it had soon produced a severe censure from the house, if the plague had not hindered, and brought on a prorogation. But then he is not pleased to give us the proof of this conjecture. And possibly after all, the inconsistency between these oaths may not be so clear as has sometimes been pretended. The most exceptionable clause in the bishops' engagement to the pope, is their
69. swearing to maintain the regalia or royalties of St. Peter. Now why may not these words be restrained to a spiritual supremacy? These the bishops promised to maintain against all men; that is, within the compass of their duty and character. And in case the court of Rome should wrest the oath, and enlarge their claim to temporal homage; to give the king security against their consent to any such encroachment, the bishops in their oath of allegiance renounce all clauses, which may be dragged to such an abuse, or construed to the prejudice of the crown.

*The clergy
reputed
loyal in
preceding
reigns.*

That the clergy did not believe the pope monarch of Christendom, or that they were the king's subjects only during his holiness's pleasure, appears plainly enough by the form of their late submission: for in the first draught of this kind, though they maintain their legislative authority in spiritual matters, yet as to temporal cases and concerns, they make no scruple to profess themselves the king's subjects, and own him their supreme head in the most respectful and comprehensive terms imaginable. And that this was the sense of the English

Church in former reigns, appears by the instance of archbishop Courtney; who solemnly declared, that in case any prelates were translated to sees in foreign dominions, or the sage lieges of the king's council were forced out of the kingdom against their will, that by this means the wealth and treasure of the nation should be exported: in this case the archbishop declares such translations would be prejudicial to the crown: for which reason he resolves to adhere to the king, and endeavour, as bound by his allegiance, to support his highness in this and all other instances in which the rights of his crown are concerned; and lastly, he desired this schedule might be entered upon the parliament-roll, which was done accordingly.

HENRY VIII.
See the clergy's first address, and bishop Tunstall's protestation.

Cotton's Abridgment, p. 343.
16 Rich. 2.

From this declaration of the archbishop, it is plain he did not assert the pope's supremacy so far as to weaken his allegiance and make him an ill subject.

Further, this schedule of the archbishop seems to have led the way to the statute of Præmunire, passed in this parliament: for the preamble is but a copy, as it were, of this declaration. The bill was brought in by the commons, who prayed the king to examine the opinions of the lords spiritual and temporal upon the contents. The question being put, the lords temporal promised to stand by the king against the pope's encroachments; neither were the engagements of the lords spiritual less loyal and satisfactory: for they concurred wholly with the commons' petition, and renounced the pope in all his attempts upon the crown.

16 Rich. 2.
cap. 5.

Thus we see the then Church of England was no vassal to the court of Rome: neither do we find the pope exerted any censure upon the prelates, or charged them with the breach of their oaths, for this solemn adherence to the civil magistrate: and that the practice of the clergy was suitable to this declaration, we have the testimony of Sir Edward Coke, whose custom is not to flatter that order. This celebrated lawyer having observed that, both before and after the reign of king Henry III., many of the judges and great officers of the realm were of the clergy: having observed this, he gives them the commendation of a general integrity: that they were not overborne by any partialities to the court of Rome: that they were true to their office and the constitution: that they constantly maintained the laws of England, so as no encroachment or breach was made upon them by any foreign power.

Coke's Instit. pars 2. fol. 96. et deinceps in Westm. Primer. cap. 51. fol. 263.

WAR-
HAM,
Abp. Cant.

Further, the king, upon the perusing these oaths, complains the prelates were but half his subjects. His majesty then grants they were half what he desired: now does it not appear, by things then upon the anvil, that the king was pushing his regale to an unusual extent, and governed by some people mal-intentioned to the Church? In short, it seems not improbable the king was now designing to enlarge his prerogative upon the clergy, and annex the papal pretensions to the crown. Now, these things considered, the bishops' engagements to the pope ought to be candidly interpreted: for to strain the oaths to a contradiction without necessity, and make the prelates so constantly forsworn, is neither justice to their memories, nor serviceable to religion.

*The king's
complaint
draws the
clergy to-
wards com-
pliance.*

However, this complaint made a strong impression upon the clergy, and brought them to a compliance with the king's terms, upon the first article. And thus they promised "not to enact, promulge, or put in execution, any constitution made for the future, unless they had the royal assent for that purpose." This was likewise assented to by the lower house, on condition the promise might bind them for the king's life only. But upon the second article, neither of the houses could be driven any further, than to refer all the old canons to the king's inspection and judgment; promising withal to qualify or annul such as should be disliked by his highness: but then this promise was encumbered with a general saving. This proviso made the clergy judges of the canons, and masters of any doubtful construction: so that it was thought the old canons were still at their disposal, to be kept or given up, as they should think fit.

Dr. Atter-
bury's
Rights, &c.
of an Eng-
lish Convo-
cation, Ap-
pend. p. 534.
Cotton.
Libr. Cleop.
P. 6, fol. 96.

This answer not coming up to the king's expectation, he resolved to come closer in his next demands: and to prevent an evasive resolution, he took care to press them hardest where they endeavoured to be most at liberty. Thus a new form was sent to them: and here they are expressly required neither to attempt, allege, claim, or put in ure any of the old canons without leave from the crown; nor yet to enact, promulge, or execute any new ones: and all this without any limitation to the king's life, or any other favourable salvo whatsoever.

*See Records,
num. 19.*

This form was looked on as somewhat rigorous; it seemed to disable the convocation, and lay the authority of the Church asleep: for thus, as has been observed by a learned remarker,

not only the legislative power of the hierarchy, but also the jurisdiction of the prelates, had been extinguished, or, which is much the same thing, made precarious, and wholly dependent on a foreign society.

HENRY
VIII.

Dr. Atter-
bury, *ibid.*

The prelates, therefore, who had hitherto been obsequious and resigning, refused positively to comply to this length. The king, perceiving the matter stick, sent six noblemen¹ to them, to try to overbear their constancy: but it seems their courage did not desert them upon this occasion: for after an hour's conference with these lords, they returned this final answer, "That they could not submit to the clause prescribed, 'not to attempt, claim, or put in ure any of the old canons without leave from the crown.'"

*But they
refuse to go
the length
of the king's
demands.
1 Duke of
Norfolk,
marquis of
Essex, earl
of Oxford,
lord Sands,
Bullen, and
Rochford.
Journal of
the Convo-
cation.*

The apprehension of a storm from the court was more prevalent upon the lower house, who passed the submission in the terms prescribed. When this paper was brought up to the prelates, the archbishop acquainted them how the matter had passed at their conference with the temporal lords; that they expected a return of their message to the king, and hoped his highness would condescend to an abatement. About noon, the lords above mentioned came back with the king's consent to what the clergy had offered: and that his highness was willing to be contented, that they should be obliged to no more than not to enact, promulge, or put in ure new canons. And thus a new draught of the submission was engrossed, and agreed to by all the upper house, the bishop of Bath and Wells only excepted. But when it was brought to the lower clergy, they thought their consent unnecessary. Their reason was, because, having already passed a more comprehensive form, this was by consequence included in it: and thus, without putting the matter to the vote, they were prorogued to the fifth of November. And by the way we are to observe, that the larger form of the lower house was never delivered to the king, nor made authentic.

70.
*By their last
submission,
they are only
barred the
enacting new
canons with-
out leave
from the
crown.
Journal of
the Convo-
cation.*

And thus the last instrument of submission, presented the next day to the king by the archbishop, ran only in the name of the upper house.

*Three other
bishops,
London,
Lincoln, and
St. Asaph,
admitted it
condition-
ally.*

*Journal of
the Convo-
cation.*

Thus the matter rested till two years afterwards, when the submission of the clergy passed into an act of parliament, with a penalty annexed.

*See Records,
num. 20.
May 19,
1532.*

In the year 1532, the body of William Tracy, of Todding-

WAR-
HAM,
Abp. Cant.

Wood, Hist.
Antiquit.
Univ.
Oxon. l. i.
p. 256.
Bp. Burnet,
pt. i. p. 166.

*The king
writes to the
conclave to
make the
bishop of
Worcester
a cardinal.*

See Records,
n. 21.

*The business
of the divorce
further pur-
sued.*

Ld. Herbert,
p. 335, 336.

ton, in Worcestershire, Esq., was taken up by the chancellor of Worcester, and burned. But in burning the corpse this bigoted officer exceeded his commission, for which he was sued by Tracy's heirs, turned out of his chancellorship, and fined four hundred pounds. The reason of this process was occasioned by an omission (as it was then accounted) in Tracy's will. It seems he had left out the usual form of recommending his soul to the intercession of the saints. This being observed at the probate, archbishop Warham sent a copy of it to the university of Oxford, where being examined in convocation, Tracy was pronounced a heretic. Upon this censure, the order above-mentioned for taking up the corpse was directed to the chancellor.

About this time, the king wrote to the conclave for a cardinal's cap for Jerom, bishop of Worcester, an Italian; letting them know how acceptable such a promotion would be to his highness. And that the reader may perceive upon what terms of friendship, or of ceremony, at least, the king continued still with the court of Rome, I shall transcribe the letter. By the way, this bishop Hierom Ghinucci was the king's agent for the divorce, and managed to satisfaction. It appears, by this letter, the king had formerly solicited for the same favour: but why the court of Rome was so impolitic as to refuse him, is hard to discover.

In the beginning of this year, the king had procured several learned men from all parts of Italy, to offer the pope a disputation in favour of the divorce: but this motion was refused. However, the pope, to show his willingness to end the controversy, ordered a citation for the king to appear in person, or by proxy at Rome: this summons was sent his highness to answer the queen's appeal. Upon this, the king despatched Sir Edward Karne to Rome, to excuse his non-appearance, and to insist that there was no law to oblige him to such an attendance. The king, to fortify his interest, sends instructions to Sir Francis Bryan, to press the French king to do him what good offices he could with the pope. Francis complies with this application, owns the justice of the king of England's request, and tells the pope, that prince ought to be satisfied. That in case of a refusal, himself and his brother of England shall be forced upon such measures as may not prove agreeable to his holiness.

This year one Mr. James Bainham, a lawyer of the Middle Temple, suffered upon the charge of heresy. He was brought in December last before Stokesley, bishop of London, and interrogated upon several articles. He denied purgatory, the necessity of auricular confession, extreme unction, and invocation of saints. Fox reports, that Sir Thomas More, then lord chancellor, ordered Bainham to be whipped in his garden at Chelsea, and afterwards sent him to the Tower, and saw him tortured upon the rack; and that all this cruelty was used only because he refused to inform against some of the students of the Temple, and could not be brought to discover where some prohibited books lay, which he was supposed to make use of. These were illegal barbarities, and argue Sir Thomas More of a different temper from what he is commonly represented. If his bigotry carried him to these rigours, he can never deserve the character bishop Burnet is pleased to give him: that for true generosity of mind, he was an example to the age in which he lived. The fact therefore ought to be well attested before we give credit to the relation. But here Fox vouches no records for this part of the narrative, neither is it mentioned by other historians.

HENRY
VIII.Bp. Burnet,
Hist. Re-
form. pt. 1.
p. 356.

To proceed. Bainham was afterwards brought to a submission, abjured his tenets, and underwent the penance enjoined. Soon after his discharge, he recanted his recantation at St. Austin's, London. Upon which, he was apprehended, committed to the Tower, and pronounced a heretic relapsed.

He had some odd opinions: he was mistaken about the authority of the hierarchy, and affirmed, that he that preached the word of God purely, whatsoever he was, and lived conformably to his doctrine, had the key that binds and looses both in heaven and earth. As to the sacrament of the altar, he seems to believe at least as far as consubstantiation. He affirmed, archbishop Becket was a murderer, and if he did not repent his murder, he was rather a devil in hell, than a saint in heaven. His notion of baptism, as Fox represents it, was unsound and wretched. His words are these: "If a Turk, a Jew, or a Saracen do trust in God and keep his law, he is a good Christian man." Thus we see, upon the whole, he was right in some things, and wrong in others. However, he suffered at the stake with great constancy and resolution.

Fox, p. 297
to 302.

This summer very unacceptable news came from England to June, 1532.

WAR-
HAM,
Abp. Cant.
*A priest im-
prisoned for
maintaining
the pope's
authority.*

Ibid.

Rome. A priest was committed for maintaining the papal authority. And another priest, being imprisoned for Lutheranism by the archbishop of Canterbury, appealed to the king as supreme head. This was an application somewhat unusual; however, the juncture made it succeed: for he was taken out of the archbishop's hands, brought before the temporal court, and discharged there.

To return to the business of the divorce: the pope writes again to the king, and entreats him to constitute a proxy, acquainting likewise the English agents, that he was willing the whole process should be managed in England, only the final decision

71. he must reserve to himself. Thus the lord Herbert. But bishop Burnet, from other records, gives somewhat a different representation of the matter. He reports, the pope offered the king to send a legate, and two auditors of the rota, for the purposes above-mentioned: but then it was with this condition, that the king was to name some indifferent place out of his own kingdom.

*Ibid. Bp.
Burnet,
Hist. Re-
form. pt. 1.
p. 122.
Id. p. 125.*

To proceed: In the convocations held under Warham, there were several canons passed against the Lutherans; and at last the pope's supremacy began to be warmly disputed, but they

*The death of
archbishop
Warham.*

came to no resolution at present. Warham departed this life in August, and was buried privately at Canterbury. He held that see eight-and-twenty years. I have given part of his character in the late reign, and shall only add the commendation given him by the reverend Church historian: "That he was a great canonist, an able statesman, a dexterous courtier, and a favourer of learned men. He was not so fancifully fond of the learning of the schools as some others, but encouraged a more generous way of knowledge. But then, by way of abatement, he must be said to have prosecuted some of the Lollards with too much rigour."

Id. p. 127.

*Godwin de
Præsul.
Angl.*

*Regist.
Warham,
fol. 252.*

Before I take leave of this archbishop, I shall mention one remarkable passage which happened towards the latter end of his time. This prelate in the vacancy of the see of Chichester gave a commission to his chancellor, Dr. John Young, to visit Battle-abbey in Sussex. And by Young's commission, it appears that this was a customary branch of the archbishop's jurisdiction during the vacancy; and by consequence it must have belonged to the bishop of the diocese when the see was full. From whence it follows, that the charter of exemption, granted

*Battle-abbey
visited by the
archbishop of
Canterbury.*

to that abbey by William the Conqueror, was either revoked, or, which is much more probable, that exemption did not extend to any discharge from spiritual authority. HENRY VIII.

To this I shall subjoin a letter of the archbishop's to the king, in which he complains his jurisdiction was checked by the temporal courts, and seems apprehensive of further encroachments. The year is not mentioned, but the letter runs thus: Cotton.
Libr. Cleop.
6, F. 2.
fol. 173.

"Please it your good grace to understand, I am informed your grace intends to interrupt me in the use of the prerogative in the which my predecessors and I, in the right of my church of Canterbury, have been possessed by privilege, custom, and prescription, time out of mind. And for the interruption of the same, your grace is minded, as I am informed, to depute Dr. Allen. Which if your grace should so do, (considering that not only all mine officers of mine courts, the Arches and the Audience, but also the commissary of my diocese of Kent, and I myself, not only in matters of suit of instance of parties, but also in causes of correction depending before me and them, be continually inhibited by your officers,) I should have nothing left for me and my officers to do, but should be as a shadow and image of an archbishop and legate, void of authority and jurisdiction, which should be to my perpetual reproach, and to my church a perpetual prejudice. Wherefore, inasmuch as I trust verily in your great goodness, that your grace will not be so extreme against me and the right of my church before-named, I beseech your grace, the premises considered, to defer and respite this matter, till I may have communication in this behalf with your grace, when it shall please you at your leisure; and your pleasure known, I will be ready to give attendance on your grace. Beseeching you also to give credence to my chaplain, Mr. Wells, this bearer, in such matters as he shall show your grace on my behalf.

"At your grace's command,

"W. CANTUAR."

"Dated at Croydon, March 17."

About this time the kings of England and France had an interview at Calais, where Mrs. Anne Boleyn, now marchioness

Oct. 1532.
*An interview between
the kings of
England
and France
at Calais.*

of Pembroke, appeared. These two princes had lately entered into a close treaty. By virtue of this alliance, they were to raise a great army against the Turk. And upon the king of England's complaint of ill usage from the court of Rome, the French king seemed to close with his resentment. And here it was agreed they should both insist upon reparation; and that unless this grievance was redressed, and the exactions of annates upon both kingdoms dropped, they would apply to a further remedy, and either summon the pope to a council, or refer the debates to provincial synods within their respective dominions. A remonstrance of this kind was speedily to be made by their ambassadors at Rome. These agents were to put the pope in mind of an interview proposed between his holiness and the French king at Avignon, or Nizza: and that the king of England was inclined to take a journey of that length, provided the motion was well received by his holiness. The French ambassador was likewise to acquaint the pope that the cardinals of Tournon and Grammont would be present at the interview between the pope and the emperor at Bononia; that their business would be to solicit his holiness that king Henry might have a legate and other commissioners sent into his own kingdom to determine the business touching the divorce.

And when king Henry discovered his intentions of marrying the marchioness of Pembroke, the French king encouraged him to proceed; and, to show he was in earnest, promised him the utmost assistance if occasion required. Thus having concerted a firm union, and treated each other with great compliment and magnificence, they took their leave, and the king returned for England.

November
14, 1532.
*The king
privately
married
to Mrs.
Boleyn.*
Ed. Herbert,
p. 309, 341.

Soon after his arrival, he was privately married to Anne Boleyn; Rowland Lee, afterwards bishop of Coventry and Lichfield, officiating in the marriage. At this solemnity there were none present, excepting the duke of Norfolk, and her father, mother, brother, and Dr. Cranmer. This may seem an unusual step, because the divorce was still undecided. But the king broke through this difficulty: he concluded there had proof been made of the former marriage being null. The case standing thus, there was no need of a declarative sentence, after so many universities and doctors had given their judgments against it. This second marriage being not published till Easter following, the king in the mean time endeavoured to

Hp. Burnet,
pt. 1, p. 136.

disengage handsomely from the first. To this purpose, he sent instructions to his agent Dr. Bennet, to make several proposals to the pope : but then these overtures were to be delivered, as suggested only by himself. First, Bennet proposed, that the matter might be decided in England, and that his holiness would be contented the archbishop of Canterbury with the assistance of two other prelates, or the clergy of that province, might have the case referred to them. The reasonableness of this motion was recommended by the opinions of lawyers, and by the authority of the council of Nice : to this it was further urged, that since the succession of the crown was concerned in the cause, the English constitution would not allow of its being decided in foreign parts. This overture being disliked, Bennet proposed another scheme. By this, the decision was to be referred, either to Sir Thomas More, or the bishop of London, nominated by the king ; the queen, or emperor, were likewise to have the privilege of naming another : the French king was to assign a third, and the archbishop of Canterbury was to be the fourth. But this being likewise refused by the pope, Bennet was driven to the last reserve in his instructions : he moved therefore that the cause might be heard in England, and in case the queen declined to acquiesce in the sentence, she should have the liberty of appealing to three judges jointly commissioned : one of which was to be sent from England, another from France, and a third from the pope, with powers to settle the matter in some indifferent place. To this the pope replied, that since the king stood so close to his prerogative, he should govern himself by the same measures, and not take the process out of the common course.

HENRY
VIII.

72.

Dr. Bennet's proposals to the pope for deciding the business touching the divorce.

Lord Herbert, p. 342.

This summer the king enlarged and ornamented Whitehall, lately forfeited to the crown by the præmunire driven upon cardinal Wolsey. And to make his residence in town more commodious, he procured a conveyance of the manor of St. James's, and built that palace. This house was then an hospital : but the king compounded with the sisters for a pension during life. Not long after, he suppressed the priory of Christ Church, London. These religious being Franciscans, were disposed of in other houses of that order. The lands and church plate were bestowed on Sir Thomas Audley, now lord chancellor. For here we are to observe, that Sir Thomas More had lately given up the broad seal : he had several times

June 4.
A. D. 1532.

The religious houses of St. James's and Christ Church, London, suppressed.

solicited the king for a discharge, and at last gained it. His fortune was but slenderly established, and therefore his true reason for resigning an office of such honour and profit, is not easily to be discovered. Whether a strong inclination to retirement and letters, a disgust, or clashing with some great person, or the new measures taken by the court, put him upon this singular resolve, is somewhat uncertain. And though he acquainted archbishop Warham and Erasmus with something of the secret, yet he publicly owned no other motive but want of health.

*Some of
Tyndal's
opinions.*

*Flac affirms
Tyndal mis-
reported.
vol. 2. p. 331.*

*More's
Works,
p. 334.*

*1 Cor. 2. 14.
15.
More,
p. 369.*

Id. p. 374.

Id. p. 380.

Id. p. 381.

Id. p. 382.

Some time this year, before the parting with his office, he published a tract against Tyndal: this performance is divided into three books: the first is, a reply to Tyndal's answer to his dialogues. His second answers Tyndal's defence of his translation of the New Testament. His third book argues against two chapters of Tyndal's answer. And here the dispute is, whether the Scriptures were before the Church? And whether the Apostles left any thing unwritten, necessary to salvation? Sir Thomas More maintains the affirmative. And now it may not be improper to mention some of Tyndal's assertions, as he is represented by More. To begin: Tyndal, in the preface to his answer to More's dialogues, misinterprets a text in the epistle to the Corinthians; and seems to apply the character of the natural man to the clergy. Now the misinterpretation of this text, is of a dangerous consequence: it makes men think themselves in a manner inspired, rest upon their private judgment, despise the authority of the ancients, and believe honesty sufficient to qualify them for judges in controversy. Tyndal, in his description of his spiritual man, has several crude, irreverent expressions. He will not allow any ceremonies, unless the signification of them is understood: and yet, as Sir Thomas More observes, the reasons of all the Jewish observances are not explained in the Old Testament. Upon the course of this dispute, he grows more indefensible: he speaks scandalously of auricular confession, and calls it a work of Satan. And in mentioning confirmation, he is downright profane. His words are: "they think that if the bishop butter the child in the forehead, that then it is safe." To proceed, he misreports the Church in matter of satisfaction, and affirms baptism insignificant, because the children are christened in Latin. He slanders the then Church about the *opus operatum*,

and maintains the sacraments are of no benefit, but as they preach the promises of God, as a preacher must do. He makes all Christians priests, and denies the necessity of any distinct order. He says, a Turk believes in God better than those of the Roman communion. And to conclude with him, he jests profanely upon the bishop's blessing.

HENRY VIII.

Id. p. 333.

Id. p. 391.

Id. p. 396.

These were Tyndal's opinions, as they stand in Sir Thomas More's works. Now if he is not misreported (which is somewhat unlikely) he has failed both in truth and decency in several material points. And in short, his heterodoxies are too visible to reckon him amongst the reformed of the English Church.

Id. p. 398.

In July, this year, John Fryth was burned in Smithfield for a heretic. In June last, he was convented before Stokesley, bishop of London (the bishops of Winchester and Lincoln being his assessors). He was interrogated concerning his belief, touching the sacrament of the altar and purgatory. As to the first article, he answered, that the natural body of Christ was only in one place at once, and that the corporeal presence was not necessary to be believed. As to the second, he said he did not believe there was any purgatory for the soul after this life.

Stokesley,
Regist.
p. 71.

He had formerly disputed at length the first article, argued solidly as to the main against transubstantiation and worshipping the host. Sir Thomas More and Fryth had a contest upon this argument in writing. As Fox reports the matter, he was very moderate in his dissent, and seems to have affirmed little more than that transubstantiation and purgatory were no necessary points of the Christian belief. But this modesty and reservedness gave no satisfaction to the bigotry of the court; who not prevailing with him to retract to the length prescribed, delivered him to the secular magistrate. Being brought to the stake, he endured the fire with great fortitude, and seemed insensible of pain. This Fryth was a lively genius. He was bred at Cambridge, where he made a considerable proficiency in the Latin and Greek languages. His parts and improvement made him taken notice of by cardinal Wolsey, who designed him, with some other persons of eminence, for his new foundation of Christ Church in Oxford: and to conclude with him, he was no less remarkable for the regularity of his life.

See my
Eccles. Hist.
pt. 1. p. 262.

In the latter end of this year, there was another session of parliament. Amongst other acts, we have one against appeals

February 4.
A. D. 1532-3.

*Appeals in
causes tes-
tamentary,
matrimo-
nial, &c.
prohibited
under Præ-
munire.*

to Rome. The preamble sets forth, "That the kingdom of England is an empire provided with persons, both spiritual and temporal, well qualified to determine all controversies arising in it, without application to any foreign princes or potentates: and more particularly, that part of the said body politic called the spirituality, or the English Church, have always been esteemed and found upon trial, sufficiently furnished with skill and integrity to determine all such doubts, and to administer all such offices and duties," as to their rooms spiritual does appertain. From hence the preamble proceeds to complain, "that several appeals have been made to the see of Rome, in causes testamentary and matrimonial, in divorces, rights of tithes, oblations, and obventions, to the delay of justice, and the great vexation and charge of the king's highness and his subjects: and forasmuch as the distance from Rome is such, that proof and evidence relating to a cause cannot be brought thither without great inconvenience; for which reason many persons are forced to suffer in their rights, and sit down without remedy; it is therefore enacted, that all causes, testamentary and matrimonial, all disputes concerning divorces, tithes, oblations and obventions, either commenced and now depending, or which hereafter shall commence in any of the king's dominions, shall be heard, discussed, and finally adjudged and determined within the king's jurisdiction and authority, in such courts spiritual and temporal of the same, as the nature and quality of the cases shall require, without regard to any custom prejudicial to the same; any foreign inhibitions, appeals, interdictions, excommunications, or any other process from the see of Rome, or any other foreign courts, to the contrary notwithstanding: and here those who make any such appeals, or procure any such censures in pursuit of them, fall under the penalty of præmunire: and those who refuse to give the sacraments to such as are interdicted or excommunicated by the pope, are to suffer one year's imprisonment, and make fine and ransom at the king's pleasure."

The order of the process settled by this statute is this: "If the suit was commenced before the archdeacon, or his officials, the party grieved had the liberty of appealing to the diocesan, and from thence within fifteen days after judgment, to the archbishop of the province: and in case this suit was com-

menced before the archdeacon of any bishop, or his commissaries, then the appeal might be made within fifteen days after sentence to the court of Arches; and from the court of Arches, within the same interval, to the archbishop of the province, there to be finally determined: in all which cases, there is a saving for the prerogative of the archbishop, and church of Canterbury: and lastly, in all causes where the king was concerned, the last appeal was to be made to the upper house of convocation."

HENRY
VIII.

24 Hen. 8.
cap. 12.

This statute against appeals seems to point particularly at the divorce now depending, and to preclude the queen from any applications to the court of Rome.

Amongst other things, at the late interview at Bononia, it was concerted, that the pope should write to the king of England, to send forces against the Turk, who threatened Christendom with another invasion. The king answered, that if any such misfortune happened, it must be thrown upon the emperor's ambition, and the uncautious temerity of the pope. It seems his holiness, at the emperor's instance, had lately excommunicated John Sepuse, Vayvode of Transylvania, and elected king of Hungary. That this prince had applied for succour to the Porte, and drawn the infidels upon Christendom. Upon this occasion the king puts his holiness in mind, how necessary precaution is in such cases. But to offer somewhat towards satisfaction; if his holiness was apprehensive of having any share in this calamity, he advises him to retire to Avignon; and that then himself and the French king would engage for his protection. As to the emperor, there was little to be expected; for it was plain, that prince was resolved to gratify the German princes, and yield to some innovations in religion, on purpose to reduce his holiness, and lessen his power.

The king expostulates with the pope, and proposes his retiring to Avignon.

Ld. Herbert,
p. 346.

How this motion was relished by the pope, is somewhat uncertain. However, he does not seem to be in a condition to discover his mind. Such freedom might have proved dangerous, while the emperor's army was quartered in Italy. But after those forces were withdrawn, he concluded a private treaty with the French king. This prince having concerted new measures with the pope, began to grow less hearty in his correspondence with king Henry. At this treaty, the marriage between Catherine de Medicis, his holiness's niece, and Henry duke of Orleans, second son of Francis, was concluded, and solemnised at Marseilles, in October following. The pope

A treaty between the pope and the French king.

The French king goes off from king Henry's interest.

CRAN-
MER,
Abp. Cant.

had likewise promised the French king an assistance for recovering his claims in Italy, and hoped that monarch would favour him in his designs upon Modena and Rheggio.

The king of England perceiving the courts of France and Rome thus closely united, and that the French king seemed to forget some of his engagements at the interview at Calais; particularly that he had executed some persons in France for opposing the papal authority, and recalled one Bede from banishment, who had vigorously opposed the king of England's divorce; for these reasons the king resolved to end this controversy at home, and to stand to the decision of the English clergy.

*Cranmer
promoted
to the see of
Canterbury.*

To succeed the better in this affair, a proper person was to be pitched on for the see of Canterbury: a person of character and resolution, and not over-obsequious to the see of Rome. These qualities seemed to concur in Dr. Cranmer, who had lately been employed by the king in Italy, and was now in Germany, negotiating for the divorce. The king, who had resolved his promotion, acquainted him with it, with orders for a speedy return. Cranmer endeavoured to decline the station, and moved slowly in his journey, in hopes, as it is said, the see might be filled before his arrival. But all this backwardness and excuse served only to raise the king's opinion of his merit; so that at last, he found himself obliged to resign, and undertake the charge.

*Papal bulls
for bishops
not yet pro-
hibited.*

Our learned Church historian observes, that "the king sent to the pope for the bulls for Cranmer's promotion; and though the statutes were passed against procuring more bulls from Rome, yet the king resolved not to begin the breach till he was forced to it by the pope." But here I must take notice of

*Bp. Burnet,
Hist. Re-
form. pt. I.
p. 128.*

*25 Hen. 8.
cap. 20.*

74. a mistake; for though there were statutes passed against the payment of annates and appeals, yet there were no acts against procuring of bulls for the consecration of bishops, till the twenty-fifth of this reign.

To proceed. The pope, on the other side, had no mind to come to a rupture with England; it is true Cranmer had taken several unacceptable steps: he had published a discourse for the divorce, disputed against the pope's power in dispensing, and held a correspondence with Osiander, and other Lutherans in Germany. These were ill recommendations at Rome; however, the pope went through, and despatched eleven bulls to complete his character. By one bull he is upon the

king's nomination promoted to the see of Canterbury: this instrument is directed to the king. By a second, directed to himself, he is made archbishop. A third absolves him from all censures. A fourth is sent to the suffragans. A fifth to the dean and chapter. A sixth to the clergy of Canterbury. A seventh to all the laity in his diocese. An eighth to all who held lands of the see, requiring them to acknowledge him as archbishop. All these bear date the twenty-first of February 1533. But then we are to observe, that this computation of the Church of Rome, begins the year with January: for in England the year 1532 was not expired. By a ninth bull, dated the twenty-second of February, he was to be consecrated upon taking the oath in the pontifical. By a tenth bull, dated the third of March, the pall was sent him: and by the eleventh, the archbishop of York and the bishop of London were ordered to put it on.

HENRY
VIII.

Regist.
Cranmer.
March 30,
1533.

Upon the arrival of these bulls Cranmer was consecrated by the bishops of Lincoln, Exeter, and St. Asaph.

It has been observed that by one of these bulls Cranmer was obliged to take a customary oath to the pope. This circumstance, he could not get over at first: and it is supposed by some writers, that it was this condition which made him so backward in accepting that dignity. He thought several papal constitutions wanted reformation; and that his taking this oath would embarrass his motion, and make his duty impracticable. But the canonists found out a temper, and relieved him under this scruple. They proposed the making a protestation before he took the oath. By this expedient he was to save his liberty, and renounce every clause in the oath, which barred him doing his duty to God, the king, and his country.

Cranmer scruples the taking an oath to the pope, but complies upon the expedient of a protestation.

See Records, num. 22.

Our learned Church historian observes, "this temper agreed better with the maxims of the canonists and casuists, than Cranmer's sincerity." This gentleman means there were some strains of art, and mysterious practice in it; and I am altogether of his mind. For this protest was not made at Rome to the pope: Cranmer's proxies had no such instructions, as appears by the instrument. Had this reserve been insisted on in the conclave, we have reason to believe the bulls would never have been granted. We cannot conceive the pope would have ever agreed to this latitude: so that it is pretty plain, the oath was not taken in the sense of the imposer. However,

This expedient not wholly defensible.
Bp. Burnet, pt. 1. p. 129.

CRAN-
MER,
Abp. Cant.

How the distinction of the two houses was thus settled, it may not be improper to relate.

Some time after the present constitution of parliaments was introduced, in the reign of Henry III.; some time after this, great numbers of abbots and priors were summoned to parliament, by writs directed to each of them. Now all the religious thus summoned by particular writs sat amongst the peers. These abbots and priors had a double capacity, and were ranged under two distinctions: as ecclesiastical prelates they were part of the first; and as holding their baronies of the king, part of the second estate represented in parliament. For we are to observe, that such abbots and priors as held in chief of the king were usually summoned to parliament.

See Records,
num. 23.

In the reign of Edward III. the number of abbots and priors summoned by particular writs was considerably lessened; and this custom held on to the reformation. For after the reign last-mentioned, only some of the greater abbots received summons. And here the number, though not unalterably fixed, was always between twenty and thirty. They had sometimes a warrant from the king to dispense with their attendance: of which we have an instance in the reign before us.

Harmer,
p. 32, et
deinc.

A. D. 1532.
*Latimer
preaches
against pur-
gatory, &c.*

To return: when the kings forbore sending particular summons to the lesser abbots and priors, they lost the privilege of being members of the second estate. However, they still continued to be summoned to convocations by the archbishop's mandate. Now those religious who held immediately of the king, and whose predecessors had been summoned as part of the baronage, continued their claim in the convocation, and were admitted to sit with the bishops as formerly.

*His submis-
sion.
Convocation
Journal,
fol. 46, 47.*

About this time Hugh Latimer's case was brought before the upper house of convocation. This Latimer had been delated in the synod last year for maintaining erroneous doctrine in some letters written to one Greenwood, of Cambridge; and being required to take an oath to make a true answer to interrogatories, he declined the jurisdiction of the house, and appealed to the king: but the king refusing the application, returned him to the convocation, upon which he acknowledged himself mistaken, and was pardoned upon his submission. But now he relapsed, as they call it, to his former opinions. The articles he was charged with were, his denying purgatory, worshipping of saints, and going in pilgrimages to their images.

He had subscribed a recantation upon these heads, and promised not to preach offensively upon them for the future. Notwithstanding this engagement, his conscience would not give him leave to keep his word: for in the pulpit at Bristol he declaimed against the received doctrines, and therefore, toisable him in his credit, the house, at the motion of the bishop of Winchester, ordered a copy of his submission should be sent down into those parts.

HENRY
VIII.

March 26,
1533.

Id. fol. 53,
54.

To proceed: the king tried once more to prevail with the queen to acquiesce in the divorce. And to make the proposal more down the better, she was told the king would settle her first countess, and that she should be treated with the honour of princess of Wales. But this offer was refused; she still continued to justify her marriage, and held to her appeal. But the king's marriage with Anne Boleyn could be concealed no longer; and therefore on Easter eve she was declared queen, and pompously crowned in June following. But before this last solemnity, it was thought fit to proceed to a judicial dissolution of the former marriage. The process was formed in this manner: first, Cranmer acquainted the king, in a letter, that his marriage with queen Catharine had been much censured both at home and abroad: that his subjects were particularly apprehensive the title to the crown might be entangled, and the peace of the kingdom endangered by this means. That, therefore, he desired an authority of his majesty to put an end to this matter. Upon this request, the king sends him in order to call a court, and proceed to judgment.

The king attempts to prevail with queen Catharine to relinquish her marriage, but without success.

See Records,
num. 24.

Cranmer being thus furnished, the king and the queen were invited to appear before him at Dunstable. This place was pitched on because the queen lay near it at Ampthill: for this reason she could not pretend being unacquainted with what was doing. And thus there being no need of many days in the citation, the process might be ended the sooner. The court was held upon the tenth of May; the king appeared by proxy, but the queen neither in person nor otherwise. For this reason, after a third citation, she was declared contumax. And here the depositions of the witnesses relating to the consummation of the marriage with prince Arthur were read. The censures of the universities, the determinations of the provinces of Canterbury and York, the opinions of canonists and divines in favour of the divorce, were likewise recited in

The sentence of the divorce pronounced by Cranmer. May 23.

CRAN-
MER,
Abp. Cant.

How the distinction of the two houses was thus settled, it may not be improper to relate.

Some time after the present constitution of parliaments was introduced, in the reign of Henry III.; some time after this, great numbers of abbots and priors were summoned to parliament, by writs directed to each of them. Now all the religious thus summoned by particular writs sat amongst the peers. These abbots and priors had a double capacity, and were ranged under two distinctions: as ecclesiastical prelates they were part of the first; and as holding their baronies of the king, part of the second estate represented in parliament. For we are to observe, that such abbots and priors as held in chief of the king were usually summoned to parliament.

See Records,
num. 23.

In the reign of Edward III. the number of abbots and priors summoned by particular writs was considerably lessened; and this custom held on to the reformation. For after the reign last-mentioned, only some of the greater abbots received summons. And here the number, though not unalterably fixed, was always between twenty and thirty. They had sometimes a warrant from the king to dispense with their attendance: of which we have an instance in the reign before us.

Harmer,
p. 32, et
deinc.

A. D. 1532.
*Latimer
preaches
against pur-
gatory, &c.*

To return: when the kings forbore sending particular summons to the lesser abbots and priors, they lost the privilege of being members of the second estate. However, they still continued to be summoned to convocations by the archbishop's mandate. Now those religious who held immediately of the king, and whose predecessors had been summoned as part of the baronage, continued their claim in the convocation, and were admitted to sit with the bishops as formerly.

*His submis-
sion.
Convocation
Journal,
fol. 46, 47.*

About this time Hugh Latimer's case was brought before the upper house of convocation. This Latimer had been delated in the synod last year for maintaining erroneous doctrine in some letters written to one Greenwood, of Cambridge; and being required to take an oath to make a true answer to interrogatories, he declined the jurisdiction of the house, and appealed to the king: but the king refusing the application, returned him to the convocation, upon which he acknowledged himself mistaken, and was pardoned upon his submission. But now he relapsed, as they call it, to his former opinions. The articles he was charged with were, his denying purgatory, worshipping of saints, and going in pilgrimages to their images.

He had subscribed a recantation upon these heads, and promised not to preach offensively upon them for the future. HENRY
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Notwithstanding this engagement, his conscience would not give him leave to keep his word: for in the pulpit at Bristol he declaimed against the received doctrines, and therefore, to disable him in his credit, the house, at the motion of the bishop of Winchester, ordered a copy of his submission should be sent down into those parts.

March 26,
1533.

Id. fol. 53,
54.

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The sentence of the divorce pronounced by Cranmer. May 23.

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MER,
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*Domina
Catharina.*
Bp. Burnet's
Hist. Re-
form. part 1.
Collect. of
Records,
book 2.
num. 47.
from an
inspeximus
Rot. Pat. 25.
H. 8.

Heylin,
Hist. Re-
form under
Q. Mary,
p. 7.

76.

*The pro-
ceedings
censured.*

court. And, lastly, on the twenty-third of May the archbishop, by the advice of canonists and divines, consulted upon this occasion, proceeds to give judgment, and pronounces the marriage between the king and queen Catharine to have been only an engagement *de facto* and not *de jure*, and by consequence, to have been null, and of no force from the beginning. And thus king Henry and the lady Catharine (for she is not called queen) are pronounced separated, and divorced from each other, and at liberty to engage elsewhere.

Doctor Heylin mentions a letter of Cranmer's to Cromwell upon this occasion. The letter, transcribed from the Cotton library, imports a resolution of the archbishop's coming to a final sentence on the eighteenth of May. And here Cranmer conjures Cromwell and the king not to divulge so great a secret: for he was afraid such a discovery might bring the princess dowager to Dunstable. And that her appearing in court, either at or before the time of sentence, might perplex the affair, and put them all to a stand; but by her not appearing, this danger was over, and the matter went as the king would have it.

And thus the cause, which had been six years depending, was determined at last. However, the king's proceedings did not pass without censure. Some of those who believed him well founded as to the main, were not satisfied in every circumstance. They were altogether of opinion the divorce ought to have been pronounced before the king's engagements with Anne Boleyn: and that the first marriage ought to have been dissolved before the second was made. For to break a marriage without any public sentence was, as they conceived, an unprecedented singularity. And since one of the principal reasons of state urged in this affair was to settle the succession, they thought this end would not be answered; that the title to the crown would be more entangled: for was there not a strong pretence to question the second marriage, upon the score of its being made before the first was discharged? In short, it was generally concluded that judgment in form had been better omitted, than come so late. Some excepted to the archbishop's being judge. He had written a book for the divorce, and declared himself on the king's side of the question. To this it was answered, that when a man acts in a new post, his former sentiment is no disabling circumstance.

For do not judges sometimes try causes in which they formerly gave counsel, and pleaded at the bar? And to come somewhat nearer, popes are not supposed tied to the opinions they held in a lower station. And, lastly, it was replied, that the archbishop proceeded only upon what had been already concluded by the universities, convocations, &c., and did no more than put their decisions into a form of law.

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Bp. Burnet's
Hist. Re-
form. pt. 1.
p. 101, 102.

Upon the twenty-eighth of May the archbishop held another court at Lambeth, where, without assigning the reasons in the judgment, he confirmed the king's marriage with the new queen Anne.

The king despatched ambassadors to most of the courts of Europe, to justify his marriage upon the grounds already mentioned. He was particularly solicitous to give the emperor satisfaction, and prevent a rupture with that prince. To this purpose, he acquaints his imperial majesty, that he designed to justify his practice at the court of Rome, and treat further with the pope. That he hoped his imperial majesty would put a friendly construction upon his proceedings, and continue his correspondence as formerly. The emperor told Sir Thomas Wyatt, the ambassador, that he was well informed how that affair had been managed; and that he should advise with his council upon further measures. By this answer, it might easily be perceived, he intended to break with the king.

*The king
endeavours
to justify
himself to
foreign
princes.*

*The emperor
not satisfied.*

Lord Her-
bert, p. 350,
351.

The news of archbishop Cranmer's sentence, and the king's marriage with Mrs. Boleyn, was very ill received at Rome. That court thought the papal authority much disregarded: for the king, to commissionate one of his subjects to judge finally in the cause, while the appeal was depending, was new and unprecedented: and that by such freedoms the supremacy of the see of Rome was plainly struck at. Thus the college of cardinals were much disgusted; and those in the emperor's interest addressed the pope to exert his character, and proceed to censures against the king.

*The court of
Rome highly
disgusted.*

The pope, though not willing to come to extremities, gratified them in some measure. He gave sentence against the attentates, as they call them; that is, he declared archbishop Cranmer's judgment of no force. For since the queen, by her appeal, had remitted the cause to the court of Rome, it was not in the power of any other prelates or prince to intermeddle with it. And since the king had countenanced Cran-

June.

had written a relation of what passed between them, and showed it to her highness; she struck out all those places where she was called princess dowager, and would be served by nobody but those who called her queen.

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VIII.
Biblioth.
Cotton.
Otho, c. 10.

The king made use of some rough expedients to bring her to his purpose, but all without effect. It was thought his rigours in this kind were somewhat remote from noble temper: and that since he had taken away the substantial part of her grandeur, it was somewhat hard to grudge her the ceremony of a title.

Upon the seventh of September, Sunday, queen Anne was delivered of a daughter. This lady was baptized the Wednesday following, and named Elizabeth. Archbishop Cranmer was her godfather; and the two dowagers of Norfolk and Dorset, the first a duchess, the other a marchioness, were godmothers.

To go on: at the interview at Marseilles, the French king solicited the pope to deal gently with the king of England, and prolong the time for the censures. The pope answered, that notwithstanding the term was passed, he was willing the matter should rest till he came to Rome. The English agents not satisfied with this respite, laid open their instructions. And here Dr. Bonner, after some introductory ceremony, that the king intended no disregard to the apostolic see, acquainted the pope with his master's appeal to the next general council lawfully assembled. This being an unexpected step, displeased the pope very much, who told him it should be referred to the consistory. The cardinals meeting under this form three days after, he let Bonner know he was obliged to reject the king's appeal, as being an unlawful expedient, and contrary to a constitution of his predecessor pope Pius; and as to a council, he should convene it: but that this matter was a privilege belonging to his authority, and not king Henry's. Upon this Bonner desired the instruments of the appeal might be returned him; but this was likewise denied by the pope.

Nov. 7,
1533.
*The king
and the arch-
bishop of
Canterbury
appeal from
the pope to
a general
council.*

About this time the archbishop of Canterbury suspecting the pope might proceed against him, put in his appeal likewise to a general council.

Lord Her-
bert, p. 361.

The French king sent John de Bellay, bishop of Paris, to king Henry, to acquaint him with what had passed at Marseilles, and to persuade him to despatch ambassadors to Rome, to gain

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more time with his holiness, and prevent the fulmination of the censures. But the king, who seems to have formed a project of extending the regale, replied he would advise with his council. And now the king being at the board, the matter was debated on both sides.

The speech for keeping on the usual correspondence with the court of Rome was to this effect :

“ Sir,

*Id., p. 392.
A speech at
the council-
board in
defence of
the papal
supremacy.*

“ Your highness is upon a debate of the last importance, such as in the consequence will affect your kingdom and posterity. A resolution therefore of this nature ought to be made with the utmost caution. The question is, whether in this affair of your divorce, and in other ecclesiastical concerns, you intend to proceed on your own, or the papal authority. As for my part, it is natural for me, who am born your subject, to wish your highness the utmost extent of power : but when I recollect the ancient practice of this kingdom, I cannot but think innovations dangerous. For if the regards of order and government infer a necessity of supreme authority in the state, it seems still more necessary that such a subordination of power, such a last resort, should be kept in a religious society ; for is not such a spiritual body more capable of a head so distinguished ? And besides, is not such a character more wanted, because so many stand in need of its direction ? In my humble opinion, therefore, we are chiefly obliged to support such a principle of unity ; for by this cement, not only the body spiritual, but likewise civil society, is preserved from flying asunder. Now, how can we consult the dignity of any government, when the most eminent part of it is laid aside ? And how oddly must that body look which is made shorter by the head ?

“ Without doubt, sir, an authority which has so much antiquity to plead, ought not to be rashly set aside. Is not the pope a common father to Christendom ? And are not the differences among princes and prelates referred to his decision ? Is not the majesty of religion supported by the prerogative of his see ? Is not discipline maintained by the extent of his jurisdiction ? Does not his commission from God keep Christendom in awe ? And are not men restrained from liberty and disorder by considering the force of his character ? Shall we

then part with the terrors of the other world, with these powerful motives to duty and obedience, and trust only to the civil sword, to jails, and executions? Besides, who shall provide for unforeseen cases, dispense against the letter, and soften the rigour of law, if the pope is once gone? How shall sacraments, pardons, and indulgences, and other holy performances be maintained in the usual significancy? Who shall be guarantee for the leagues of princes, hold them to their oaths and articles, and thunder against perjury and injustice? As affairs now stand, I cannot conceive how a general peace can go on among princes, nor how order and equity can well subsist, without recourse to his holiness. For as his court is a sort of chancery to all Christendom, so if you take it away, that equity and conscience which ought to over-rule and explain all laws and constitutions whatsoever, must fall with it.

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"To conclude. As your highness is my sovereign, I wish you all imaginable advantage of real greatness; but as to ecclesiastical government, I humbly conceive it is best not to bring it to a review: not to suffer either the seat of the power or the extent of the obligation to be exposed to question, or examined by your subjects. An experiment of this nature may occasion an unfortunate division, and endanger both the spiritual and civil authority. And besides, such a liberty would be ill received abroad, make our proceedings be censured by foreign princes, and dispose them upon every occasion to enter into an alliance against us."

This speech was answered by a person of a different sentiment.

"SIR,

"Had the question now spoken to, been resolved to satisfaction, I should not have troubled your majesty with a reply. But though his principles are true, in my opinion he fails in his inferences. I shall therefore crave leave to examine his arguments from common topics and rules of reasoning. For here it is not my intention to produce any proof from revelation, or enter upon points of divinity. That there is a necessity for some supreme power in spiritual, as well as temporal concerns, is evident enough. But the question is, whether it is more beneficial for these offices to be lodged in one person or two? I

*An answer
on the other
side.*

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MER.
Abp. Cant.

- confess I am clearly for incorporating the character, provided the claims of each respective branch are of the same extent; and the person pretends to be supreme in one case no further than he is in the other. To advance towards further proof: Can we suppose government without religion, or religion without government? Will moral precepts, and the bare force of doctrine, keep people to their duty without the countenance of the civil authority? Or, on the other hand, is severity and the terror of executions sufficient instruction to inform the understanding, to regulate the practice, and make us happy in the other world? Besides, how can the repose of a kingdom be secured if the secular magistrate commands one thing, and the spiritual another? Such inconsistency of orders serves only to distract the mind of the subject, and make duty impracticable; insomuch, that sometimes a man must be under a necessity of being counted at least either a schismatic or a rebel. These inconveniences, as they are possible in the scheme, so they may be proved from practice. For what clashings have there been between princes and popes? What desolations and public ruin! What scandal to common Christianity, both in this kingdom and elsewhere, have happened upon this score? I shall take it for granted, then, that the union of the spiritual and temporal supremacy are extremely serviceable. We are now to inquire in the next place for the most proper person for the exercise of this double jurisdiction; I mean only at present with respect to this kingdom. And here it is evident the popes are not qualified for this function; for as to the temporal part, they have no claim either from blood or election, to found their title upon. So neither, on the other hand, are they in any good condition to manage the spiritual. The see of Rome is too remote to exert their character. This distance makes information and redress come oftentimes too late. It is true they endeavour to fence against this inconvenience by admitting appeals. But this expedient is but a weak remedy; for those who apply to this relief are oftentimes tired and worn out with a dilatory process. And thus the remedy being held too high, and neither agreeing with the health or pocket of the parties, they choose rather to throw up the cause, and sit down under oppression. This was one of the *centum gravamina* complained of by the Germans; neither could the court of Rome contrive them a satisfaction upon this head. And thus

we see the pope is barred the exercise of either jurisdiction in England, for the reasons already mentioned. With whom therefore must this authority be lodged? Without question with the crown. For have not princes part of the sacerdotal as well as the regal power, annexed to their office? Besides, they claim this ecclesiastical supremacy no further than their dominions reach, and their swords can support their title. Neither are they supposed to have any interest distinct from their subjects; for this reason they will be disposed to preserve a harmony in religion. And besides, the union of the sacred and civil authority will double the force of each, and be a stronger restraint upon the passions of the people. And thus they will be the better secured from breaking out into singularities and schism. If any person thinks this notion chimerical, he may be convinced of the practicableness of it, by the popes themselves. For are not the bishops of Rome princes and high priests in the patrimony of the Church? And do not we perceive a better public correspondence, and a firmer union in those places, than elsewhere? Since therefore it appears both by reason and precedent, that both jurisdictions may subsist in one subject, and be executed by the same person, I conceive it will easily be granted, that these functions suit better with a temporal than a spiritual monarch; for is not the provision of laws and the administration of justice much more serviceable than controversial disputes? (I mean where the fundamentals are settled.) And is it not more for the benefit of mankind to defend the public against foreign invasion, than to harangue against vice, and complain of the non-payment of Church-duties? And may we not conclude from hence, that there is no more necessity of a pope, in the modern extent of that character, than there is of a universal emperor? For government, as well as other bodies, must be restrained to a certain proportion. It is swelled into a monster, if you carry it beyond its due bulk.

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“In the next place, let us consider whether the pope is not disabled for his pretension upon another account. For is not his holiness obnoxious to other princes? It is plain his motions are frequently embarrassed by the French and Spaniard. His see lies as it were in the middle between these contending crowns. By this situation, he must either be obliged to comply with the prevailing party, or else expose himself to insult

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MER,
Abp. Cant.

and outrage, as has lately happened: and since the State has sometimes an interest in religious disputes, it must be dangerous for England to make his holiness the last judge in these matters: for let us suppose him never so impartial between princes at a distance, where he is free and unmenaced, this advantage of circumstance will often be none of our case: for what can we expect where the interest of his see, and the neighbourhood of potent princes, hang in his view? I grant he may spare us a good wish, or bestow his benediction: but what of that? where his person or his power are concerned, his conduct may not be so acceptable. In such cases, I conceive, it might not be safe for him to do us justice; nay, I think it would scarcely be manners to ask it.

“But may we not continue our regards to his holiness in some measure? May he not be applied to in ecclesiastical affairs, and the differences of Christendom be referred to him? With all my heart, provided he keeps within the functions of a common father. But if he exerts his censures without justice and measure; if he interdicts and exterminates without due provocation; is not this in effect to throw up his character, and renounce his relation? If, instead of settling the consciences of those within his charge, and providing for the repose of Christendom, he makes use of extremities, and embroils the world; if he endeavours to support his authority by arms and invasion; he plainly deserts his office, and forfeits his claim to regard. Things standing thus, unless ecclesiastical affairs are put into the hands of princes, there is little prospect of a settlement.

“But it is objected, that if the pope’s authority is suppressed, religion must suffer with it. To this I answer, that if religion stood on no firmer ground, it would be worse founded than any other science: for are not the rules of life stamped naturally upon the mind? And had we any other religion to bring us to heaven but what nature furnished us with? Had we any other assistance for the first two thousand years? And what was afterwards the meaning of the Decalogue? Was it not
79. to explain and refresh those innate instructions? Besides, have we not a creed to inform us further, and furnish us with fundamentals? This system has been all along looked on as an unalterable standard by the Church? why, therefore, must our faith be stretched beyond the canon of the Old and New

Testament? To explain or illustrate some points may be a serviceable undertaking: but to throw in supplemental principles, and enlarge the foundation, is by no means to be allowed. Neither in prudence can the Church of Rome attempt any thing of this nature: for the force and majesty of religion is best preserved by uniformity of belief, and by keeping close to the doctrine of the first ages: but if the court of Rome declines these methods of charity and temper; if they mismark the characters of things; if they confound the certain with the uncertain, and tie people to an equal belief, where the motives of credibility are unequal, ought not princes to interpose with a remedy? Ought they not to suppress usurpations in religion, and clear it from error and neglect?

"Further, neither ought we to be afraid our princes should grow too absolute by such an accession of privilege: for the best means to unite the minds of the people, and provide for all emergencies, ought not to be rejected for improbable fancies. If it is said, this authority may happen to be abused, and fall into the hands of arbitrary princes, this is no argument: for are we not in danger of having ill popes as well as ill princes?

"And thus, Sir, all innovation may be prevented, and all defects supplied, by your highness in your dominions, without running into any extreme. Thus the ancient doctrines of Christianity may be taught without any mixtures of novel fancies or false reasoning: and within the compass of this scheme, the hierarchy of your kingdom may be maintained in their ancient dignity and privilege: and since your highness does not pretend to make any new articles of faith, what should hinder the clergy from expounding the old ones? They may go on in their function, without disturbance, disentangle the difficulties in Scripture, read divine service, administer the sacraments, and form their charge to all the parts of piety and good conduct.

"Now if the pope shall please to countenance these proceedings, to lessen his pretensions, and not press upon your highness's prerogative, it might not be amiss to make him some acknowledgment, and return a reciprocal regard. Under such moderate claims, some causes not so easily manageable by your clergy, might be reserved to his cognizance. His dignity might likewise be so far considered, as to allow him a primacy or patriarchal right. But then this privilege must pass with a

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MER,
Abp. Cant.

limitation, not to interfere with your highness's being supreme head of the Church of England.

"To come now to the question before us, relating to the divorce. And here I cannot imagine why the pope should be disgusted: for has the archbishop done any thing more than what not only the most famous universities, but even his holiness himself has owned to be lawful? Since, therefore, after the cause has been so long depending, we have decided the point, just as the pope has declared he would have done it himself; since, I say, he has confessed he would have given judgment on the same side, had it not been for fear of the emperor, why should he be angry with us for pronouncing by his own sentiment? Does he complain that he is not in a condition to do us justice? And is he disturbed at the same time, to see it done by ourselves? Shall the executing of what he thought reasonable be esteemed a fault, when in all construction of equity, the omission must have been unpardonable? Let us therefore send to him, and request his consent. It has been hinted to us already, that it would be more advisable to move for a pardon afterwards, than solicit for a license beforehand. If this intimation comes from good hands, we have reason to hope he will confirm the archbishop's sentence: and thus the differences between the crown, and the court of Rome, being compromised in some measure, we need not be apprehensive of any foreign invasion; especially since we have the general concurrence of the kingdom to support our proceedings."

Lord Herbert, p. 363.

December 2,
1533.

*Resolutions
at the coun-
cil board.*

The king inclined to govern himself by this last speech. The pope, it seems, had given him a new provocation, by publishing the censures above-mentioned at Dunkirk: and to prevent further inconveniences, these measures were resolved at the council-board. First, it was thought advisable to acquaint the nation with his highness's appeal to a general council, and the reasonableness of such an application. Secondly, the unlawfulness of the dowager's (as they called her) appeal to Rome, was to be published: and to make this expedient of her's more unjustifiable, the late statute against appeals to the pope was to be fixed to the church-door of every parish. Thirdly, the parish priests were ordered to set forth in their sermons that a general council is above the pope; and that his holiness has no more authority in England by the laws of

God, than any other foreign bishop. Lastly, it was resolved to despatch ambassadors to several princes' courts; and to endeavour the forming a confederacy with the kings of Poland and Hungary, with the dukes of Saxony, Bavaria, and the landgrave of Hesse, with the Hanse towns of Lubeck, Nuremberg, Dantzick, &c.

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Id. p. 368.

But this matter being more fully related in the Cotton library, I shall refer the matter to the record.

See Records,
num. 35.

Notwithstanding the projecting these measures, the king was not unwilling to accommodate matters with the court of Rome. To this purpose, he desired the bishop of Paris to acquaint the French king, that if the pope would suspend his censures, assign him fair judges, and exclude the Imperial party, he would likewise recal his own resolutions of disowning the authority of that see. The bishop thought this proposal somewhat short, and desired a character of his highness to negotiate this affair at Rome. The king approved the suggestion and promised to make the offer good; but refused to send any submissions under his hand, till he knew how the motion was received.

*The king
endeavours
to prevent
a rupture
with the
pope.*

The bishop of Paris apprehending this affair would not admit of delay, posted to Rome, through the rigour of the season. Upon his arrival, he had a public audience in the consistory, where he reported the king's overture, and with a great deal of elocution, set forth how serviceable it would be to the whole Church to accept the terms. The majority of the cardinals were satisfied with this declaration, and set a day for the king to transmit his promise in form. Thus an express was despatched to the English court for a further resolution. But no answer being returned within the time prefixed, the pope resolved to proceed to a definitive sentence. Upon which Bellay did his utmost to stop the fulmination. He suggested, it was probable the expedition of the express might be checked by contrary winds, or other accidents: he desired, since their patience had held out six years in the cause, they would only prolong it to six days' respite. This motion being put to the question, it was carried by a majority against the king. It seems the consistory were put out of humour, and hurried to this resolution by some news they had received from England. They heard the king had published a book against the pope's

Decem. 26.
*The bishop
of Paris
employed
at Rome in
this affair.*

*The con-
sistory, dis-
pleased with
some pro-
ceedings in
England,
give sentence
against the
king.*

authority: though, by the way, they were misinformed as to the printing, which was not done till afterwards. It is true there was a book written upon this subject, which it seems was not altogether a secret, for a copy of it was now come to the pope's hands. Besides, they were informed a comedy had been represented at the English court to the dishonour of the pontiff: and that the pope and most of the cardinals had been pointed at, and particularly exposed. This treatment enraged the court at Rome, made them proceed with precipitation, and overlook the customary methods: so that the business which would not regularly have passed under three consistories, was despatched in one. And thus by their last decision, the marriage with queen Catharine was pronounced valid, and the king commanded to live with her: and in case of refusal, an excommunication was decreed against him. About two days after this remarkable management, the express arrived with an assurance in form, that the king was ready to ratify whatever had been offered by the bishop of Paris: that is, the king was willing to appear by proxy at the court of Rome, and stand to the verdict of the consistory, upon the conditions already mentioned, with this proviso, that some indifferent persons should be sent to Lumbury for a true information in the cause.

The moderate part of the cardinals being extremely desirous to close with this offer, addressed the pope to depart from the business, and settle the cause. But though the motion was well seconded, and the pope not unwilling to disentangle himself, they upon a further debate of the matter, the emperor's party prevailed. They pretended the submission came too late, and that the executing the sentence was wholly impracticable. Thus the sentence was affirmed, and the executing of it put upon the morrow.

The bishop of Paris, in his return to France, met Sir Edward Norton, who was sent to Rome from the king to negotiate this affair. But when he understood how the matter had been carried, he thought it to be purpose to travel further. When the king was informed of the issue and circumstances of this business, he resolved to disengage from the pope without making any farther application.

There had been already some steps taken to lead the way to so great a declaration. Of this kind we may reckon the condi-

tional extinguishing the payment of annates, and prohibiting appeals to Rome by act of parliament. Our learned Church historian observes, there had been many public debates about this matter; that several tracts had been already written upon this subject: but this learned prelate is mistaken in the time; for none of the books mentioned by him, were published till after this year. For the purpose: "The Institution of a Christian Man" was printed in 1537; Gardiner's book "De Vera Obedientia," with Bonner's preface, in 1536; Sir Richard Morisin's "Apomaxis," in 1537; "The Erudition of a Christian Man," in 1543; and the book "De Differentia Regiæ et Ecclesiasticæ Potestatis," no sooner than the year 1535.

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The learned historian makes a brief report of what was urged upon this occasion. The arguments against the papal supremacy are countenanced by antiquity, drawn from good authorities, and carried up to the point. But on the other hand, the reasons alleged for the extent of the regale, seem either to go upon a wrong supposition, or fail in the proof. They are most of them fetched from mistaken passages in the Old and New Testament, from miscitations of English history, from wrong inferences of law, and misapplications of the power of the Roman emperors. For the purpose: to prove the king's supremacy in ecclesiastical causes, "they reason from the authority of the Mosaic institution: but then the instances are foreign to the case. For example, Aaron is said to have submitted to Moses. To this it may be answered, that Moses acted by immediate direction from heaven, consecrated Aaron, and was a prophet no less than a civil magistrate. Further, it is said, 'Samuel, though he had been judge, yet acknowledged Saul's authority.' But to this it may be easily returned, that Samuel was no high-priest; and if he had been vested with that character, he ought to have been at the prince's command in all temporal concerns. It is likewise urged, that Solomon turned out Abiathar, and that this high-priest acquiesced under the sentence. This instance seeming to carry some force, I shall consider it a little. First, therefore, it may be observed, that Solomon had an extraordinary commission from God: he wrote inspired books and consecrated the temple, and therefore the ordinary jurisdiction of the Jewish kings cannot be measured by his practice. Besides, Abiathar was not deprived by Solo-

Some arguments for the regale considered.

Bp. Burnet's Hist. Reform. pt. 1. p. 140.

The case of Abiathar not serviceable to the regale.

non, properly speaking, as appears by the sentence. 'And unto Abiathar the priest said the king. Get thee to Anathoth, and mine own fields, for thou art worthy of death: but I will not at this time put thee to death, because thou barest the ark of the Lord God before David my father, and because thou hast been afflicted in all wherein my father was afflicted.' Here we see Solomon was giving judgment upon several traitors, who had been in a plot against him: and thus the sentence appears altogether civil, and not an ecclesiastical penalty. It was banishment from Jerusalem to Anathoth: it was a reprieve as to his life, which he had forfeited, but not a full pardon: 'I will not, says he, at this time put thee to death;' so that it seems he set him upon his good behaviour.

If water may be urged on the other side, this sentence affected his sacerdotal character, and amounted to a deprivation: for in the fifth verse of the chapter above-mentioned, it is said, that Solomon thrust out Abiathar from being priest unto the Lord. To this it is replied, that the incapacity of officiating, was the necessary consequence of his banishment: that the functions of the priesthood were confined to the temple of Jerusalem: or in virtue it appears, that Abiathar's banishment from that city, must stop the execution of his office. But it may be said, he had thought fit to remit the sentence of banishment, the powers of the high-priesthood had revived, and Abiathar been as well qualified for his function than before. Thus notwithstanding the sentence, he was still reckoned a priest.

It may be urged further, that Solomon did not only thrust out Abiathar, but substituted another in his place. For the text is expressiv, 'Zadoc the priest did the king put in the room of Abiathar.' To this it is answered, that Abiathar was not a high-priest of the second sacerdotal order: and under this distinction the eight families of the house of Ithamar, descended from Aaron, were ranged. Now Abiathar was de-
 scended from this branch. On the other hand, Zadoc, of the house of Eleazar, was chief, or supreme metropolitan over the seven branches within this division. The distribution of the Levitical offices is mentioned in the Chronicles. For this reason Zadoc is not long seen in David's time, set before Abiathar, wherever they are named together: and the succession of the

high-priesthood, properly so called, was reckoned only in the sons of Eleazar, as we may learn from the Chronicles and Ezra: in which places none of the family of Ithamar are mentioned. To this we may add, that where the chiefs of the twelve tribes are set down in David's reign, Zadoc, and not Abiathar, is reckoned prince or ruler of the Aaronites. And Zadoc only, and not Abiathar, was anointed with Solomon, when king David was living. He was anointed, I say, to be priest; that is, chief or supreme high-priest, or, as Josephus expresses it, 'high-priest of all the people.' Thus when Abiathar was banished, and disabled from the execution of his office, the eight families of the house of Ithamar were all put under the jurisdiction of Zadoc. And thus the putting of Zadoc in the room of Abiathar was not giving him any new superiority over Abiathar, for he was always above him: it was no more therefore than enlarging the extent of his jurisdiction, and giving him, as it were, a new province during the banishment of Abiathar. From whence it follows, that Abiathar suffered no further than a civil incapacity: there was no destruction of his character: for he is still reckoned second high-priest after Zadoc, in the list of Solomon's court, notwithstanding the sentence of banishment passed against him.

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1 Chron. 6.
to ver. 15.
and ver. 50
to 54.
Ezra 7. to
ver. 6.
1 Chron. 27.
17.
1 Chron. 29.
22.

Antiquit.
lib. 7. c. 11.

1 Kings 4.
4.

"Further, after the new establishment of the temple service, the succession of the high-priesthood was reckoned from Zadoc, as formerly it was from Aaron: and instead of the sons of Aaron, the priests were afterwards called the sons of Zadoc; and instead of the house of Aaron, the style ran, the house of Zadoc.

Ezek. 43.
19; 44. 15;
48. 11.
2 Chron. 31.
10.

"It is likewise observable, the temple economy was wholly divine, expressly ordered by God himself, and not left to the discretion of any human authority. From whence it follows, that though the sentence of Solomon against Abiathar had been of an ecclesiastical nature; though it had amounted not only to deprivation, but degradation, it could not however have been urged as a precedent for the prerogative of succeeding princes. For this ought to be looked on as an exempt and privileged case: it ought to have been reckoned a principal part of the new regulation of the courses of the priests; which distribution was particularly commanded by God to David: and accordingly the Scripture informs us that

The king's supremacy carried a new face, and
 the revolution. However, many
 consulted the records, and examined
 the series were not disinclined to this
 seemed the most adverse
 being a person of cha-
 it was thought advi-
 To bring this
 made a proposal. The
 London Stokesley, was to
 these twelve were
 the question was to be dis-
 that by this means they
 and prevent the
 their disagreement. Fisher
 wrote to him that he was
 and in case they
 the matter, he pro-
 chosen by themselves.
 possible Fisher's
 sat : and here
 the archbishop of Canterbury,
 Lincoln Bath and Wells,
 monks abbots were present.

How the rest excused their absence is somewhat uncertain. It is possible they thought their being passive under the business in hand was compliance enough. During this session a bishop preached every Sunday at Paul's-Cross against the pope's supremacy. This was done to open the understandings of the people, and prepare them to acquiesce in the proceedings of the parliament. And now the pulpits began to clash in several places of the kingdom. For the purpose: at Bristol, Latimer, afterwards bishop of Worcester, preached to the doctrine of Paul's-Cross, and was contradicted by one Hobberton and Dr. Powel. These contests amongst the clergy broke the laity into parties.

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*Bishops
preach
against the
pope's supre-
macy at St.
Paul's-cross.*

Stow's An-
nals, p. 571.

I shall now proceed to a brief recital of the statutes relating to the Church. In the first place, this parliament sent up a complaint preferred by one Thomas Philips, against the bishop of London: the complainant set forth, he had been imprisoned, and treated with rigour upon suspicion of heresy. This application being overlooked, as not material, by the Lords, the Commons sent some of their members to the bishop, requiring his answer to the complaint: the bishop acquainting the house of Lords with it the next day, they unanimously resolved, that it was not fit for any of the peers to appear or answer at the bar of the house of Commons.

March 1,
1533-4.

83.

*The bishops'
peerage
owned by the
house of
lords.*

Journal
Procer.
*A repeal of
2 Hen. 4,
cap. 15, con-
cerning
heresy.*

The Commons, conceiving the bishops' courts were too far empowered by the constitution for the punishing of heretics, drew a bill for the repeal of 2 Hen. IV. cap. 15, which passed both houses. The preamble sets forth, that by authority of parliament, holden in the year and reign above-mentioned, it was enacted, "That it should be lawful for every ordinary to convent, arrest, and imprison, any person or persons whom they thought defamed or suspect of heresy, and them to keep in their prisons till they were purged thereof or abjured, or committed to lay-power to be burnt, after the determination of the holy Church and canonical sanctions.—But forasmuch as the said act does not, in any part of it, declare any certain cases of heresy contrary to the determination of holy Scripture, or the canonical sanctions therein expressed, whereby your most loving and obedient subjects might be learned to eschew the dangers and pain in the said act comprised, and to abhor and detest that foul and detestable crime of heresy; and, also, because those words, 'canonical sanc-

154.
155.
156.

ments, and such other contained in the said act, are so general that neither the most expert and best learned man of this your realm, diligently lying in wait upon himself, can eschew and avoid the penalty of the same act and canonical sanctions, if he should be examined upon such captious interrogatories as he and have been accustomed to be ministered by the ordinaries of this realm, in cases where they will suspect any person or persons of heresy. And over this, forasmuch as it standeth not with the right order of justice and good equity, that any person should be civilly or put to the loss of his good name, or goods, unless it were by due accusation and witness, or by presentment, verdict, confession, or process of outlawry; and also by the laws of your realm for treasons committed to the peril of your most royal majesty, upon whose surety depends the whole of this realm, no person can, nor may be put to death nor by presentment, verdict, confession, or process of outlawry, as is aforesaid. Wherefore it is not reasonable that any ordinary, by any suspicion conceived of his own fantasy, without due accusation or presentment, should put any subject of this realm to the injury and slander of heresy, to the peril of his good name and goods. And that, also, there be many excessive pains and punishments for heresies declared and pronounced, and by the canonical sanctions, and by the laws and ordinances made by the popes or bishops of Rome, or by the kings and princes for holding, doing, speaking, or preaching of things contrary to the said canonical sanctions, laws, and ordinances, which be not human, being repugnant and contrarious to the prerogative of your imperial crown, regal jurisdiction, laws, statutes, and ordinances of this your realm."

By these consummations, 2 Hen. IV. cap. 15 is repealed. For notwithstanding the subject is thus relieved, people are not left without a pastor to direct and their Church, and publish what concerns the people. For the statute continues the old system of punishment, only there is some benefit allowed in the case of the heretic, and the word "de heretico comburendo" is now changed to "de heretico." I shall transcribe two paragraphs in which the meaning and advantage of the act may be more fully seen.

And it is further enacted, etc. that every person or per-

sons being presented or indicted of any heresy, or duly accused or detected thereof by two lawful witnesses at the least, to any ordinaries of this realm having power to examine heresies, shall and may, after such accusation or presentment, and none otherwise, nor by any other means, be cited, convented, arrested, or apprehended by any of the said ordinaries, or any other the king's ministers and subjects whosoever. And after they shall be so taken and apprehended, shall be committed to the ordinaries to answer in open court, and in an open place to their such accusation and presentments. And if they happen to be lawfully convicted, and then abjured, their penance was remitted to the discretion of their ordinaries: but if they refused to abjure, or relapsed after the abjuration, they were then to be burned 'in terrorem.'"

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The next paragraph runs thus:—

"And where the great number of the king's subjects having little or no learning, or knowledge of letters, have been put in opinion that by divers laws, decrees, ordinances, and constitutions, heretofore made by the bishop of Rome, called the pope, and his predecessors, or by their authorities for the advancement of their worldly glory and ambition, every man that in any thing doeth or speaketh against the said pretended power or authority of the said bishop of Rome, or any the said laws, decrees, ordinances, and constitutions, stands in danger, and is impeachable of heresy, which effect or matter, nor any such laws, decrees, ordinances, and constitutions, not approved and confirmed by holy Scripture, was never commonly accepted nor confirmed to be any law of God or man within this realm. Wherefore be it enacted and ordained, by authority of this present parliament, that no manner speaking, doing, communication, or holding against the said bishop of Rome, or his pretended power or authority made or given by human laws or policies, and not by holy Scripture; nor any speaking, doing, communication, or holding against any laws called spiritual laws, made by authority of the see of Rome by the policy of men, which be repugnant or contrarious to the laws and statutes of this realm, or the king's prerogative royal, shall be deemed, reputed, accepted, or taken to be heresy. Nor any subject or resiant of this realm shall be impeached or troubled for the same."

CRAN-
MER,
Abp. Cant.

25 Hen. 8.
cap. 14.
Statutes
at Large.
See my
Eccles. Hist.
pt. 1. p. 614,
615.
25 Hen. 8.
cap. 19.

By this act the 5 R. II. cap. 5. and 2 H. V. cap. 7. are expressly continued.

To proceed: The next act of this kind ties up the clergy from making any constitutions against the royal assent. The preamble runs thus:

"Where the king's humble and obedient subjects, the clergy of this realm, have not only knowledged according to the truth, that the convocations of the same clergy is, always has been, and ought to be assembled only by the king's writ, but also submitting to the king's majesty, have promised *in verbo sacerdotii* that they will never from henceforth presume to attempt, allege, claim, or put in ure, enact, promulge, or execute any new canons, constitutions, ordinance, provincial or other; or by whatsoever other name they shall be called in the convocation, unless the king's most royal assent and licence may to them be had, to make, promulge, and execute the same; and that his majesty do give his most royal assent in that behalf." This submission is passed into an act.

A remark
upon this
preamble.

Before I go further, it will not be improper to take notice of one passage in this preamble, where it is said the clergy of this realm of England have knowledged according to the truth, that the convocations always have been, and ought to be assembled only by the king's writ. And here it may be said the penner of this act did not consult the ancient practice. For nothing is more certain than that the convocation met frequently by the sole authority of the archbishop; and that the clergy insisted upon this method of summons, as one branch of the liberties of holy Church; and that they were thus summoned we have two instances in this reign. They were once convened without the king's writ under archbishop Warham, and afterwards they met by virtue of cardinal Wolsey's legatine authority.

A. D. 1509,
1523.
Bp. Wake,
State of the
Church, &c.
p. 9, 10.
See my
Eccles. Hist.
pt. 1.
Bp. Burnet,
Hist. Ref.
pt. 1. p. 20.

It is certain the clergy in convocation had acknowledged what the preamble sets forth; but then, that this acknowledgment was according to the truth, is more than what appears. Now, with all due submission to the legislative authority, I hope it is no disregard to say, that those who draw a bill may be somewhat unacquainted with history, and mistaken in mat-

ter of fact. Neither need we wonder a mis-recital of this kind should pass the two houses. I say, we need not wonder at this, since the clergy had led them into this error in their submission to the crown. For who could have imagined the clergy should have fallen into such an oversight, wanted skill or courage to maintain their privilege, and contradicted undoubted records to their own disadvantage?

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To go on with the act: "Several of the old canons and constitutions being complained of as prejudicial to the prerogative royal, burthensome to the people, and contrary to the statutes of the realm: It is therefore enacted, that the king shall have power and authority to assign two-and-thirty persons, sixteen of the clergy, and sixteen of the laity, to examine, abrogate, or confirm the canons as they thought fit. Until such a review was made, all those canons which were not contrary to the laws or prerogative were to remain in force." By the way, the executing this commission was limited to no time, neither was it ever put in practice.

The clergy not to meet in convocation, nor to make any canons without the king's licence.

Further, "All appeals to Rome, of what kind soever, were prohibited. And that the methods of justice might not be defective, the parties grieved had the liberty to appeal to the king in Chancery. In which cases a commission was to be directed under the great seal to such persons as the king should nominate, who were empowered to determine and give final judgment, as in cases of appeal from the admiral's court. And here all applications for redress at the court of Rome are forbidden under præmunire.

"And as for abbots, priors, and all places exempt, and formerly under the immediate jurisdiction of the pope, these religious fraternities were to make their appeal immediately to the court of Chancery; neither were any archbishops or bishops to disturb their applications to the king, or intermeddle with such matters."

The monasteries put under the jurisdiction of the crown.

By this last clause, all the religious, instead of being returned to the jurisdiction of their diocesans and metropolitan, were put under the regale, and the king is enacted their ordinary. This provision, we may imagine, was contrived to bring on the dissolution of the abbeyes: for now the king was empowered

to visit the monasteries, to inspect their behaviour, and proportion the correction at his pleasure.

The next act advances to further disengagements from the pope, and extinguishes the payment of annates without any reserve. It is likewise enacted, - that from henceforth no persons shall be presented, nominated, or commended to the pope or see of Rome, for any archbishopric or bishopric within this realm. Neither shall any person procure any bulls, briefs, or bulls from the see of Rome, or pay any annates or sums of money there."

From hence the statute proceeds to settle the election of bishops —

"The king, upon the vacancy of the see, was to send his letters, *in forma*, to the dean and chapter, or prior or convent, and if they delayed their election above twelve days, the crown was empowered to nominate the person by letters-patents.

And after the bishop or archbishop thus elected and nominated, he was to do homage in form of fealty to the king, his majesty, by his letters-patents under the broad seal, signified the election of the archbishop, with orders to confirm it, and consecrate the see.

And lastly, of the persons assigned to elect and consecrate, after the performing their respective offices for twenty days, they were to fall under the penalty of a præmunire."

The statute immediately following takes notice what great sums of money had been carried out of the kingdom, and how much the subjects had been impoverished by the exactions of the pope and his legate. At the recital of the particulars there specified, made of pensions, tenses, Peter-pence, procurations, and other such provisions, expeditious of bulls for archbishoprics and bishoprics, and for felicitacies and rescripts in cases of contentious and appeals, jurisdictions legatine, and other excommunications, licences, faculties, grants, relaxations, dispensations, remissions, indulgences, abolitions, and other such like bulls, writs, and instruments of sundry

In this preamble, the parliament is said to have an authority to abrogate, null, amplify, diminish, or dispense with all human laws of this realm. Under this compass of expression, all ecclesiastical laws and constitutions, as well as others, seem to be comprehended.

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The parliament claims an authority to abrogate all human laws.

In the body of the statute, it is enacted, "That neither the king, his successors, nor his subjects, shall for the future apply to the see of Rome, for any dispensation, faculty, delegacy, &c. And because it may be sometimes necessary, that some such powers and relaxations, &c., should be lodged elsewhere, the archbishop of Canterbury is empowered to grant the king and his subjects such faculties, &c., as had been formerly procured from the see of Rome. And here all licences, &c., which were rated at four pounds and upwards, were not to be executed till confirmed under the broad seal, and enrolled in Chancery: and for all faculties under this sum, the archbishop's seal was sufficient, unless the parties desired an enrolment in Chancery.

The archbishop of Canterbury empowered to grant dispensations, &c.

"In the vacancy of the archbishopric of Canterbury, the guardian of the spiritualties is authorized to grant such dispensations, &c. And in case the archbishop of Canterbury, or the guardian of the spiritualties for the time being, should refuse the granting such faculties, &c. the king is empowered to direct a commission to two such prelates as he thought fit, to perform this business, and answer the intention of the act."

The king empowered to commissionate two bishops for this purpose, in case of the archbishop's refusal.

And to prevent misconstruction, it is provided that "nothing in this act shall be interpreted, as if the king and his subjects intended to decline, or vary from the congregation of Christ's Church in any things concerning the very articles of the catholic faith of Christendom, or in any other things declared by holy Scripture and the Word of God, necessary for their salvation.

"It is provided, that neither the archbishop of Canterbury, or any other person, shall have any power to visit religious houses: but that all redress, visitation, and confirmation, with reference to such places, shall come from the crown by way of commission under the broad seal.

The subjects prohibited the going to general councils.

"And under this proviso the subjects are forbidden going

of the realm to any councils whatever. And that all religious assemblies should be held within the king's dominions. The penalty for suing to the see of Rome for any licence, dispensation, &c. is præmunire.

And lastly, the king, by the advice of his privy council, is empowered to alter the condition of papal indulgences, and to remove such abuses in them as should be discovered; and that all persons were bound to abide by his majesty's regulation, under the penalties above-mentioned."

There are still the saving in this act, by which it is provided that nothing in it shall be prejudicial to the archbishop or any other bishop or prelate of this realm: but that they may lawfully dispense in all cases in which they were wont to dispense by the common law or custom of this realm.

And thus terminated the act of succession, because the clergy were assembled in it.

In this act the king's marriage with the lady Catharine, who is now to be styled lady princess dowager, is declared lawful. The marriage with queen Anne affirmed, and her issue made legitimate by the statute.

And by the establishment of the succession thus settled, all persons of full age, as well spiritual as temporal, are bound to swear to maintain the act: and the refusing this oath is made treasonable by the statute.

There are several degrees of consanguinity and affinity prohibited by this act: upon which occasion, there is the following passage which I shall cite in the words of the statute.

Where matters shall they be plainly prohibited and forbidden by the law of God, yet nevertheless at some times they are permitted under colours of dispensations, by man's authority, which is not warranted, and of right ought not to be. And it is always for no man, of what estate, degree, or authority soever he be, hath power to dispense with God's laws, nor all the clergy of this realm in convocation, and the

most part of all the famous universities of Christendom, and we also, do affirm and think."

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This parliament there passed a private act, for depriving the bishops of Salisbury and Worcester: they were cardinal Campegio, and Hierom de Ghinucci, both Italians. The former had disoblged the king in the management of the divorce; but the latter was the king's agent in Italy, and seems to have acquitted himself to satisfaction, as may be collected from the king's letter, in which he solicits for a cardinal's hat for this prelate.

The preamble of the act sets forth, that persons promoted to ecclesiastical dignities ought to reside in the kingdom, for the keeping hospitality, providing for their charge, and answering their character in every respect. That the bishops of Salisbury and Worcester living at the court of Rome, exporting the revenues of their sees, amounting to three thousand pounds per annum, to the impoverishing the kingdom, and failing in the requisites above-mentioned: for these reasons their sees are declared destitute of any incumbent, and void in law.

25 Hen. 8.
cap. 5.
Bp. Burnet,
pt. 1.
Records,
p. 121.

This depriving of bishops by an act of state, was unprecedented in this kingdom. And this is the first instance. William the Conqueror, who went furthest in the exercise of the regale, displaced no bishops without synodical deprivation.

See my
Eccles. Hist.
pt. 1.

Upon the rising of the parliament, commissioners were appointed to require the oath of succession in their respective counties. They met with a general compliance: but when it was tendered to bishop Fisher, and Sir Thomas More, late lord chancellor, they refused to go the whole length of what was demanded. They were ready to swear to the succession, but not to the whole act. The offensive passages in this statute seem to be these: viz. the parliament's pronouncing against the dispensation, with the first marriage. Secondly, their declaring for the legality of Cranmer's proceedings in the divorce. And thirdly, there were some pretty broad satirical expressions against the pope's supremacy: but which of these particulars, or whether all of them, shocked Fisher and More, they would not discover. Cranmer advised the admitting them to swear upon their own terms, as appears by his letter to Cromwell. Where he puts them in mind, "that the bishop of Rochester and Sir Thomas More were willing to swear to the act, but

Fisher,
bishop of
Rochester,
and Sir
Thomas
More, refuse
swearing to
the whole
act.

April 17,
1534.
Biblioth.
R. Harley,
Armig.

CRAN-
MER,
Abp. Cant.

scrupled the preamble. As for himself, he was at a loss about the grounds of their exception. However, he thought it would be serviceable to the king and kingdom, to receive the oath upon those terms. For by swearing to the body of the act, they would give a fair occasion to satisfy the princess dowager and the lady Mary, that they are not bound to insist upon their titles and pretensions: that the character of these two men would go a great way in the silencing the emperor, and other foreign princes, and quiet the conscience of many unsatisfied persons at home."

This was prudent and good-natured advice. But the court being not disposed to make any abatements, they were both committed to the Tower, where they continued till their trial and execution.

*Friar Peto
and Elstow
preach
against the
king's second
marriage.*

86.

1 Kings 21.
19.

Some of the religious went further in their opposition to the second marriage. For the purpose: one friar Peto, an observant, made a strong invective before the king upon this subject. It was in the chapel royal at Greenwich. His text was, the prophet Elijah's reproof of Ahab, where the fate of that prince is denounced in these words, "In the place where dogs licked the blood of Naboth, shall dogs lick thy blood, even thine." Peto quickly discovered his meaning in taking this text, and drove the application strong upon the king. He told him, "notwithstanding the countenance and opinions of learned men, his second marriage was altogether unlawful. As for himself, he was resolved, like Micaiah, to deliver some unacceptable truths, though he was sensible he should suffer for his plain-dealing. He expected the 'bread of affliction, and the water of affliction,' but pretended a divine commission for his freedom." Upon the presumption of this warrant, he told the king, "his highness was furnished with a great many preachers to justify his marriage with Mrs. Boleyn: but that these were men of no sincerity: that they courted the king's fancy, and applied to his inclinations, for wealth, and promotion in the Church: that these were the four hundred prophets possessed by the spirit of lying: that their business was to deceive and make their interest out of his highness's misfortunes. But he conjured the king not to be swayed by their encouragement; letting him know withal, that lying exposed to flattery was the greatest unhappiness in a prince's station."

These were extraordinary sallies : however, the king bore the reprimand with great temper, and suffered Peto to go off without trouble. But to prevent an ill impression upon the audience ; he ordered one Dr. Curwyn to preach off the malignity of Peto's sermon. He came up in the same place the next Sunday, and executed his commission with vehemence enough ; " he called Peto dog, and several other coarse names. And after having harangued in commendation of the king's late marriage, he called out for Peto, and challenged him to defend his intemperate discourse ; and not being answered, he charged him with cowardice, and consciousness of misbehaviour." But Peto was not within hearing, he was gone to Canterbury to a council. However, one Elstow, a friar of the same order, excused his absence and appeared for him. This Elstow undertook Curwyn's sermon ; proceeded upon the same topics with Peto, and rather exceeded in his boldness and resolution. Neither was there any stopping him, until the king commanded him to hold his peace : the next day this friar and Peto were brought before the privy council, and reprimanded there : particularly, the earl of Essex told them, they deserved to be put in a sack and thrown into the Thames. At this Elstow smiling, replied, " My lord," says he, " be pleased to frighten your court epicures with such sentences as these ; men that have lost their courage in their palate, and softened their minds with pomp and pleasure. Such people, who are tied by their senses thus close to the world, are more likely to yield to any thing. As for us, such menacing makes no impression ; we count it an honour to suffer for our duty, and bless God for keeping us firm under trial. And as for your Thames, the road to heaven lies as near by water as by land ; and therefore it is indifferent to us which way we go thither."

HENRY
VIII.*Elstow's
resolution.**Stow's
Annals,
p. 6. 562.*

These bold remonstrances were made the last year, some little time before the marriage with queen Anne was publicly owned : it is probable, therefore, the friars might think their discourses were not too late, and that the king was not past retrieving.

To come forward. After the succession act was passed, the king sent another message to queen Catharine, then at Bugden : it was carried by Edward Lee, archbishop of York, and Cuthbert Tunstal, bishop of Durham. They acquainted her highness, that the holding up her title of queen, and

*Ibid.
A message
to queen
Catharine
to relinquish
her claim,
but without
success.*

CRAN-
MER.
Alip. Cont.
See Records,
v. 25.

*The imposture of the
Maid of
Kent.*

insisting upon her marriage, was ill taken by the king. These bishops pressed the objections home; and did their utmost to persuade her to relinquish her claim, but without effect; as appears by their letter to the king upon this occasion.

The king resented the queen's refusal no further than to retrench her family, and remove those servants which appeared most resolved in maintaining her pretensions: however, some others, who were tampering with the people, counterfeited revelations, and presaged misfortune to the king, were severely punished. One Elizabeth Barton, called the Holy Maid of Kent, carried on an imposture for this purpose. This woman had for some time been troubled with fits, which distorted her limbs, and threw her body into such unusual agitations, that several people thought there was something more than mere disease in the paroxysm. This distemper, having held her for some time, put her in a condition to practise the postures. Perceiving herself thus qualified to surprise people, she resolved to make use of her talent. She acquainted the parish-priest with this secret, who advised her to pretend to prophecy and supernatural impulse. Thus, when she had brought the fit upon her, she would lie, as it were, in a trance, then break out into devout ejaculations; declaim against the wickedness of the times, particularly against heresy and innovation; denounce judgments with glances and innuendoes; pretend that when she was in a trance, she was honoured by God Almighty with strange visions. This imposture, being artificially managed, made the common people look upon her as a person inspired: nay, it is said, the understandings of some persons of great character were surprised by her; and that she gained somewhat upon the belief of two learned bishops, Warham and Fisher. And now, being grown bolder by success, she gave out that such a day she should be perfectly recovered, provided she went in pilgrimage to such an image of the Blessed Virgin. She was carried thither accordingly, and attended with abundance of people to see the event. Upon saying her devotions at the image, the paroxysm went off, and she appeared perfectly cured: and now she told the company, she was ordered by God Almighty to turn nun, and to make one Dr. Bocking, then present, her confessor. This Bocking, a monk of Canterbury, undertook the charge, and made her frequent visits. This Bocking and some others, being apprehensive the king's

marriage with queen Anne might prove unserviceable to the religion established, persuaded this nun to menace the king with death, or the loss of his crown: she was hardy enough to be governed by this advice, and made no scruple to declare publicly, that in case the king married another wife, living queen Catharine, his reign would be at an end within a month.

HENRY
VIII.

When the king was informed of these treasonable prognostications, he ordered this pretended prophetess and her accomplices to be imprisoned. Thus the plot being laid before the parliament, they were attainted of high treason. The rest of the

25 Hen. 8.
cap. 12.

criminals besides Elizabeth Barton, viz., Masters, a parish priest, Bocking, above-mentioned, Deering and Risby, monks, and Gold, priest; and some others, as Addison, chaplain to the bishop of Rochester, Ably, priest, Laurence, registrar to the archdeacon of Canterbury, and Thomas Gold, gentleman, were found guilty of misprision of treason, for concealing the imposture, and not discovering it to the government. Barton,

Godwin,
Annal.
p. 53.

with those concerned in the imposture, were some time before brought into the Star-chamber, where they confessed the cheat.

They were ordered to stand the next Sunday at Paul's-cross, and each of them to deliver a paper of their confession to the preacher, which was accordingly put into the bishop of Bangor's hand, who preached there that day, and gave an account of their treasonable practice to the audience. From hence they were committed to the Tower, and attainted in parliament, as has been already observed.

Nov. 1533.

On the twentieth of April, this Elizabeth Barton, with the rest attainted of high treason, were executed at Tyburn, and their heads set on the gates of the city. "The nun owned her crime at the place of execution, and told the company, she suffered justly; and lamented her being the occasion of bringing others to the same misfortune. However, as to this particular, she endeavoured to extenuate her crime, upon the score of her ignorance. She said, 'those learned men that suffered with her, might easily have looked through the delusion, and discovered her a counterfeit: but because I gave out acceptable predictions, and humoured their interest, they cried me up for a prophetess; and made me believe I spoke by supernatural direction. And thus being intoxicated with their commendation, I fancied my character would bear me

She and her
accomplices
confess the
cheat, and
are executed.

1534.

Her speech
at the place
of execution.

CRAN-
MER,
Abp. Cant.
Hall.
Holinshed,
p. 937.
Sanders de
Schism.
Anglic.
p. 117.

out in any lengths of foul practice.' After this confession, she begged God and the king's pardon, and desired the company to pray for her and the other criminals."

Sanders makes a martyr of this Maid of Kent, and the rest that were executed with her. This is strange, when they confessed the imposture; but to fail both in truth and temper is too common with this historian.

It seems bishop Fisher and Sir Thomas More had held some correspondence with this maid of Kent; but there appearing no malignity in this commerce, the king accepted their submissions, and prevented the passing the bills against them. Sir Thomas More's letter to the king upon this occasion, is to this effect:

*Sir Thomas
More's let-
ter to the
king.
Biblioth.
Cotton.
Cleop. E. 6.
fol. 181.*

"He clears himself of having any communication with the Maid of Kent, to the king's dis-service. And for this he refers his majesty to his letter, lately written to secretary Cromwell: he takes the freedom to tell the king, that if he should miscarry, and fall under the forfeiture of the law, either by bill of attainder or otherwise, he should have the satisfaction, after his own short life and the king's long one (as he wishes it) was over,—after this, he said, he should have the satisfaction to meet his highness once again, and be merry with him in heaven; where amongst other pleasures this would be one, that his majesty would clearly see there, whatever his opinion might be now, that he had always been his faithful subject. In the close of the letter he desires the king, that no bill of attainder may pass against him; because it must be drawn upon untrue suggestions, misreport him to the world, and stick a blemish upon his memory."

*Biblioth.
Cotton.
Cleop. E. 6.
fol. 166.*

To this I shall subjoin bishop Fisher's letter to the house of Lords. It is an original, and I shall lay it before the reader in his own words.

"MY LORDS,

"After my most humble commendations unto all your good lordships, that sit in this most high court of parliament; I beseech in like manner to hear and to tender this my suit, which by necessity I am now driven to make unto all your lordships in writing, because I may not, by reason of disease and weakness at this time, be present myself before you: without peril of destruction of my body, as heretofore I have

written to Mr. Cromwell; which gave me no comfort to obtain of the king's grace, respite for my absence till I be recovered. If I might have been present myself, I doubt not but the great weakness of my body, with other manifold infirmities, would have moved you much rather to have pity of my cause and matter; whereby I am put under this grievous trouble.

"So it is, my good lords, that I am informed of a certain bill that is put into this high court against me and others, concerning the matter of the nun of Canterbury; which thing is to me no little heaviness, and most specially in this piteous condition that I am in.

"Nevertheless, I trust in your honours' wisdoms and consciences, that you will not, in this high court, suffer any act or condemnation to pass against me, till my cause may be well and duly heard. And therefore, in my most humble wise, I beseech all you, my lords, in the way of charity, and for the love of Christ; and for the mean season, it may please you to consider that I sought not for this woman's coming unto me, nor thought in her any manner of deceit. She was the person that by many probable and likely conjectures, I then reputed to be right honest, religious, and very good and virtuous. I verily supposed, that such feigning and craft, compassing of any guile or fraud, had been far from her: and what default was this in me, so to think, when I had so many probable testimonies of her virtue?

"First. The bruit of the country, which generally called her the Holy Maid.

"Secondly. Her entrance into religion upon certain visions which was commonly said that she had.

"Thirdly. For the good religion and learning that was thought to be in her ghostly father, and in other virtuous and well-learned priests that then testified of her holiness, as it was commonly reported.

"Finally. My lord of Canterbury, that then was both her ordinary and a man reputed of high wisdom and learning, told me that she had many great visions. And of him I learned greater things than ever I heard of the nun herself.

"Your wisdoms, I doubt not, here see plainly that in me there was no default to believe this woman to be honest, religious, and of good credence.

CRAN-
MER,
Abp. Cant.

"For sith then I am bounden by the law of God to believe the best of every person, until the contrary be proved; much rather I ought so to believe of this woman, that had then so many probable testimonies of her goodness and virtue.

"But here it will be said, that she told me such words as was to the peril of the prince, and of the realm. Surely I am right sorry to make any rehearsal of her words, but only that necessity so compels me now to do.

"The words that she told me concerning the peril of the king's highness were these: 'She said that she had her revelation from God, that if the king went forth with the purpose that he intended, he should not be king of England seven months after; and she told me also, that she had been with the king, and showed unto his grace the same revelation.'

"Though this was forged by her or any other, what default is mine, that knew nothing of that forgery? If I had given her any counsel to the forging this revelation, or had any knowledge that it was feigned, I had been worthy great blame and punishment. But whereas I never gave her any counsel to this matter, nor knew of any forging or feigning thereof, I trust in your great wisdoms that you will not think any default in me touching this point.

"And as I will answer before the throne of Christ, I knew not of any malice or evil that was intended by her, or by any other earthly creature, unto the king's highness: neither her words did so sound that by any temporal or worldly power such thing was intended, but only by the power of God, of whom, as she then said, she had this revelation to show unto the king.

"But here it will be said, that I should have showed the words unto the king's highness. Verily if I had not undoubtedly thought that she had showed the same words unto his grace, my duty had been so to have done. But when she herself, which pretended to have had this revelation from God, had showed the same, I saw no necessity why that I should renew it again to his grace. For her esteemed honesty, qualified, as I said before, with so many probable testimonies, affirming unto me that she had told the same unto the king, made me right assuredly to think, that she had showed the same words to his grace.

"And not only her own saying thus persuaded me, but her

prioress's words confirmed the same, and their servants also reported to my servants that she had been with the king. And yet besides all this, I knew it not long after, by some others, that so it was indeed. I thought therefore, that it was not for me to rehearse the nun's words to the king again, when his grace knew them already, and she herself had told him before. And surely divers other causes dissuaded me so to do, which are not here openly to be rehearsed. Nevertheless, when they shall be heard, I doubt not but they will altogether clearly excuse me as concerning this matter.

"My suit therefore unto all you, my honourable lords, at this time is, that no act of condemnation concerning this matter be suffered to pass against me in this high court, before that I be heard, or else some other for me; how that I can declare myself to be guiltless herein.

"And this I most humbly beseech you all, on your charitable goodnesses, and also if that peradventure in the mean time there shall be thought any negligence in me for not revealing this matter unto the king's highness, you, for the punishment thereof which is now passed, ordain no new law; but let me stand unto the laws which have been heretofore made, unto the which I must and will obey.

"Beseeching always the king's most noble grace, that the same his laws may be ministered unto me with favour and equity, and not with the strictest rigour. I need not here to advise your most high wisdoms to look up to God, and upon your own souls, in ordaining such laws for the punishment of negligences, or of other deeds which are already past, nor yet to look upon your own perils which may happen to you in like cases. For there sits not one lord here, but the same or other like may chance unto himself that now is imputed unto me.

"And therefore eftsoons I beseech all your benign charities to tender this my most humble suit, as you would be tendered if you were in the same danger yourselves: and this to do for the reverence of Christ, for the discharge of your own souls, and for the honour of this most high court: and finally for your own sureties and others that hereafter shall succeed you. For I verily trust in Almighty God, that by the succour of his grace, and your charitable supportations, I shall so declare myself, that every nobleman that sits here shall have good

reason to be therewith satisfied. Thus our Lord have you all, this most honourable court, in his protection. Amen."

This year, in September, Clement VII. departed this life. Father Paul gives him a mixed character: he commends him for his gravity and reservedness, but loads him with the imputation of covetousness and cruelty. He was succeeded by cardinal Farnese, who took the name of Paul III.

About this time the king, resolving to feel the people's pulse touching the dissolution of religious houses, made a gentle attempt that way. Now the Observant friars having been the most clamorous against the court measures, he suppressed those fraternities at Greenwich, Canterbury, Richmond, and elsewhere, and filled their places with the Augustinians.

In November following, the parliament sat after prorogation. The first act in this session relating to Church matters, and being very remarkable, I shall lay it before the reader. It gives a further establishment to the king's supremacy in these words:

"Albeit the king's majesty justly and rightfully is, and ought to be, supreme head of the Church of England, and is so recognized by the clergy of this realm in their convocations; yet nevertheless for corroboration and confirmation thereof, and for increase of virtue in Christ's religion within this realm of England, and to express and extirp all errors, heresies, and other enormities and abuses heretofore used in the same: be it enacted, by the authority of this present parliament, that the king our sovereign lord, his heirs and successors, kings of this realm, shall be taken, accepted, and reputed, the only supreme head in earth of the Church of England, called 'Anglicana Ecclesia,' and shall have and enjoy annexed and united to the imperial crown of this realm, as well the title and style thereof, as all honours, dignities, immunities, profits, and commodities to the said dignity of supreme head of the said Church belonging and appertaining. And that our said sovereign lord, his heirs and successors, kings of this realm, shall have full power and authority from time to time, to visit, repress, redress, reform, order, correct, restrain, and amend all such errors, heresies, abuses, contempts, and enormities, whatsoever they be, which by any manner of spiritual authority or

jurisdiction ought or may lawfully be reformed, repressed, ordered, redressed, corrected, restrained, or amended, most to the pleasure of Almighty God, the increase of virtue in Christ's religion, and for the conservation of the peace, unity, and tranquillity of this realm, any usage, custom, foreign laws, foreign authority, prescription, or any thing or things to the contrary hereof, notwithstanding."

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26 Hen. 8.
cap. 1.

This act grants the king "full power and authority to visit, order, and reform all heresies, abuses, &c., which by any manner of spiritual authority or jurisdiction may lawfully be ordered or reformed." This clause declares the king supreme ordinary, makes his majesty, and by consequence, those commissioned by him, judges of heresy, and puts the ecclesiastical discipline in their hands: and yet by the twentieth article of our reformation, "the Church is said to have a power to decree rites or ceremonies, and authority in controversies of faith." This article pronounces the Church the judge in matters of faith, and seems to contradict the statute before us. But notwithstanding this inconsistency, the thirty-nine articles are not only confirmed by the ratification of two kings; but likewise by an act of parliament in the reign of queen Elizabeth.

Sparrow's
Collection,
&c.

James 1.
Charles 1.
13 Eliz.
cap. 12.

Further, it may be objected that Decius and Diocletian were as absolute in the Roman empire, as the king and parliament are in England; and that the grand seignior has now the same extent of authority in Turkey. The question therefore is, whether by the grounds of this act, (as it is sometimes interpreted,) these princes might not be judges in matters of faith, and manage the government of the Church at pleasure? The next question is, whether upon this scheme the being of the Christian religion does not lie at the mercy of the civil government? And then the last interrogatory will be, whether the bishops are not bound in some cases to make a stand upon the regale; to break through an act of this nature in defence of their creed; to run the last hazards rather than throw up their commission, and desert the interest of Christianity? If I had maintained the affirmative of this last question, I should have been supported by the authority of the learned bishop Wake.

Remarks
upon the
statute.

The author-
ity of
Christian
princes over
ecclesiastical
synods.

Now, though I pretend to offer nothing decisive upon this grand question, yet I hope it may not be an unacceptable

... to ... a ... upon the subject, and give the ... of both sides of the argument.

... with a discourse which I transcribed ... with advantage by a learned ... of the regale. It was ... in the reign of king Charles II., ...

... *Monarchy's supreme Power Ecclesiastical* ... of this Kingdom, at this present ...

... of a petition of the clergy, for the ... king Henry VIII. was styled the ... of the Church and clergy of ... Christi hoc, as far as it was ... doubtful mitigation being ... in their synod unanimously, ... him supreme head of the ... sine ulla ambiguitate ... caput declaratus est.—See ... Britan. p. 326.

... from the king, that ... of convocations should be ... exercised, unless the king first ... deliberation and making, and after ... his broad seal, the clergy made ... the act of parliament, and king ... constitutions, 1603; and king ...

... is given the king, with the ... of thirty-two persons, whereof sixteen ... canons and decrees of the ... persons are to be chosen and ap- ... such laws as shall be thought, ... worthy to be annulled; and to ... as shall be judged by them to ... See the statutes whence this ... his life, and the same was given to ... true that these statutes were but ... effect of them is now in force, which is the

body of ecclesiastical laws, compiled by them, entitled, '*Reformatio Legum Ecclesiasticarum*,' printed several times, with the declarations of king Henry VIII. and king Edward VI. before them: and one of those laws, very remarkable and particularly belonging to his majesty's supreme authority in causes ecclesiastical, is this: '*Rex tam in archiepiscopos, episcopos, clericos, et alios ministros, quam in laicos, infra sua regna et dominia, plenissimam jurisdictionem tam civilem, quam ecclesiasticam habet et exercere potest; cum omnis jurisdictio, et ecclesiastica et secularis, ab eo tanquam ex uno et eodem fonte derivatur.*' All jurisdiction, ecclesiastical as well as secular, is derived from him, as from the same and only fountain of both.

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"And this great and fundamental maxim for ecclesiastical jurisdiction in the Church of England is founded upon the express words of several statutes, giving all manner of spiritual and ecclesiastical authority to the king, and taking it away from the bishops, except it be by dependence and delegacy from him, explained, and more particularly set down, in 1 Eliz. cap. 1. Where it is enacted, that '*such jurisdictions, privileges, and pre-eminences spiritual and ecclesiastical, as by any spiritual and ecclesiastical power hath heretofore been, or may lawfully be, exercised or used for the visitation of ecclesiastical estate and persons, and for reformation of all manner of errors, heresies, schisms, crimes, vices, &c., be for ever united to the imperial crown of the realm.*' And 37 Hen. 8. cap. 17. '*Whereas the royal majesty is justly supreme head in earth of the Church of England, and hath full authority to correct and punish all manner of heresies, schisms, errors, vices, and to exercise all other manner of jurisdictions, commonly called ecclesiastical jurisdiction.*' It is added, that the '*archbishop and bishops have no manner of jurisdiction ecclesi- 90.*
astical, but by, under, and from the royal majesty.'—See also 1 Edw. 6. cap. 2. '*All authority of jurisdiction, spiritual and temporal, is derived and deducted from the king's majesty, as supreme head of these Churches and realms of England and Ireland, and so justly acknowledged by the clergy of the said realms, and that all courts ecclesiastical within the said two realms be kept by no other power or authority, either foreign or within the realm, but by the authority of his most excellent majesty.*'

26 Hen. 8.
cap. 1.

Through these jurisdictions it is evident that excommuni-
 cations, suspensions, and deprivations, *ab officio*, and all manner
 of censures belonging to the Church, are to be understood
 as exercised by the king: not that it is affirmed that the king did
 exercise himself the power of the keys, but that this right
 was annexed to the imperial crown: that no clergyman, being
 a member of the Church of England and Ireland, should exer-
 cise it in his dominions in any cause, or any person, without
 the leave and appointment of him the supreme head of the
 Church: nor any further to exercise where he the head com-
 manded it. As before the reformation the inferior clergy
 might not exercise any Church censure contrary to the com-
 mands of their several superiors,—which jurisdiction of their
 former spiritual superiors was now enstated on the king, not as
 the subordinate to any ecclesiastical jurisdiction herein, but as
 one to whom immediately annexed with the disposal thereof, from
 whence the ecclesiastical governors within his dominions derive
 their authority, as it is in the preface of the forecited statutes;
 and consequently we find the king and parliament authorizing
 archbishops and bishops, &c. by virtue of their act, to take
 cognizance concerning the not using of the form of Common
 Prayer, and to punish the same by excommunication. And in
 the 1st year of Edward VI. cap. 1. concerning the New
 Prayer Book, it is enacted, that, by virtue of that
 act, the archbishops and bishops should punish by censures of
 the Church all persons who shall offend: which clause, by vir-
 tue of the act, makes that the bishops might not excommuni-
 cate any of the Church censures for that matter without the
 command of the king, and ought to excommunicate in
 all matters without the king and parliament commands it.
 It is very clearly to be understood, that the juris-
 diction granted, annexed to the king or queen in the acts
 aforesaid, transfers the jurisdiction of excommuni-
 cation, as well as others, if not exercised by himself and his
 executors and other commissioners—lay persons; (which
 matter, notwithstanding, in king Henry VIII.'s days, seems
 to be received and further confirmed, by allowing them to be
 sworn jurors in the act 37 Henry VIII. cap. 17,—see the
 same law as established in the king as to appoint when,
 and by what manner the clergy within his realms shall exe-
 cute in any cause, and indeed this is but suitable to the act

of submission ; for if the clergy may not make nor enjoin any new or old spiritual laws,—if they may not correct what they judge heresies (as appears by the statutes repealing the ancient ways of judging and punishing of heretics) without the king's consent had thereto, it is but reasonable they should not excommunicate his subjects without his consent, for not obeying such laws, or for being thought guilty of such crimes.

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“As the power of all ecclesiastical censures is enstated in the king, so is that also of giving all manner of licences, dispensations, faculties, grants, &c. For all laws and constitutions merely ecclesiastical, and in all causes not being contrary to the Scriptures and the laws of God, it is not only taken from the pope, but from the clergy of this Church, and is committed to the king after the manner enacted 25 Hen. VIII. cap. 21, where the archbishop is constituted the king's instrument in giving the said licences, &c. But if he shall refuse or deny to grant them, that then upon examination had in the court of Chancery, that such licences, faculties, dispensations, &c., as may be granted without offending against the Scriptures, the king shall command the archbishop to grant them by a new injunction, under a penalty ; and if he refuse still to do it, the king may appoint by his commission two such spiritual prelates, or persons, as will grant them.

“And for appeals in causes spiritual, it is enacted, 25 Hen. VIII. cap. 19,—First, that no manner of appeals shall be made out of the kingdom. Secondly, that for lack of justice in the court of the archbishops, commissioners appointed by the king shall have full power and authority to hear and definitively to determine every such appeal, with the causes and all circumstances concerning the same ; and no further appeals to be made.

“Now for the exercise of this supreme jurisdiction, it was enacted both in Henry VIII.'s reign, and queen Elizabeth's, anno 1 Eliz. cap. 1, and anno 8 Eliz. cap. 1, that the king shall have full power and authority to name and authorize by commission under his broad seal, such person or persons, as his majesty shall think meet, so they be born subjects of England, (note, that king Henry was limited to choose half of them clergymen, which the present king is not,) to execute and exercise, under his majesty, all manner of jurisdictions, &c., to visit, reform, and amend all such errors, heresies, schisms, &c.,

which by any manner of spiritual or ecclesiastical power may lawfully be reformed, &c. See the statutes with the proviso, concerning the judgment of heresy, according to the canonical Scriptures, the four first general councils, or any other general councils wherein the same is declared heresy, by the express and plain words of the said canonical Scriptures, the judgment wherof belongs to the said king's vicegerent and commissioners, or whomever to the king himself, or such as shall hereafter be named and determined to be heresy by the high court of parliament, with the assent of the clergy in their convocation. In the same statute of queen Elizabeth it is added, that the statutes, sentences, and words of the several acts made in king Henry VIII.'s time, touching supremacy, and every one of them, shall be deemed and taken to extend to her highness, her heirs and successors, as fully and largely as ever the said acts did extend to the late king Henry VIII. Whereby it appears, that though the title-head was left off, yet the supreme authority nevertheless was united and annexed to the imperial crown in queen Elizabeth's time, as fully and largely as in king Henry's time, in some respects more advantageously.

By virtue of this supremacy ecclesiastical, Henry VIII. summoned by former canons and laws of the Church to the assistance of thirty-two persons nominated by him, to be convened, summoned, reformed, as they with his confirmation should think meet, and so may his majesty now reigning do the like in regard of any canons, constitutions, or articles, so they be not repugnant by act of parliament, with this advantage (see Henry VIII.) that his majesty is not limited to any number of persons, nor obliged to nominate half of them clergy-men, but may choose or persons being natural born subjects to his majesty (2 Edw. cap. 1.) And by virtue of this supremacy, king Henry VIII. did constitute the lord Cromwell his vicar-general in spiritual and ecclesiastical causes, to visit, reform, and counsel all manner of persons: and together with him, and under him, were several other officers and judges, authorized with the king's commission (say persons) to exercise and execute his majesty's ecclesiastical authority: and so may his majesty now reigning by force of the two fore-mentioned acts of the said Henry VIII. and Elizabeth, whose vicegerent or vicar-general is in parliament to take place of the archbishop of Canterbury, 31

Henry VIII. cap. 10, and in the synods, or convocations of the clergy, subscribes his name before the said archbishop, and according to the commission his majesty shall be pleased to give him, sends out his injunctions in the king's name, visits, reforms, corrects all manner of ecclesiastical persons, and in all ecclesiastical causes, using and exercising the ecclesiastical censures as he shall judge meet; and all this, though the said vicar-general be a lay and married person. By virtue of this supremacy ecclesiastical, the king's majesty is made the ultimate judge of heresy, and the determinor of what is agreeable or repugnant to God's law. And all his subjects are obliged to receive, observe, and submit unto the godly instructions and determinations set forth by his majesty. And if any spiritual person or persons shall preach or teach contrary to the determinations which are or shall be set forth by his majesty, that then every such offender offending the third time, shall be deemed and judged an heretic, and shall suffer pains of death by burning. See the statute, 34 and 35 Hen. VIII. cap. 1, which, though it be not in force in regard of the particular matters therein contained, viz. Tyndal's translation of the Scripture, and the confirmation of the six articles, yet the ground-work of the statute, the king's supremacy to all intents and purposes of the determination of what is true or false, what is godly or ungodly, and what is conformable or repugnant to the Word of God, is still in force, revived in queen Elizabeth, and annexed to the crown for ever. And his majesty may exercise this power of determining what ought to be held and believed, by setting forth books, and by his proclamations as is expressed in that statute, by his judgments in his court of Chancery, and by his determinations upon appeals from the sentence in the archbishop's court.

"Since some causes and controversies may haply come before him not determined by former councils; how can appeals be admitted to him from the judgment of his clergy, if he be to follow the judgment of the clergy in the things appealed in? It is true, that in the fore-mentioned act, the printers are obliged to put the superscription and subscription, 'By the king and his clergy:' but the meaning was not that the clergy in convocation had assented to it; but either that the king had communicated his writing to some of his clergy, as he did his famous book called, 'A necessary Doctrine for all sorts of

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37 Hen. 8.
cap. 17.

The title of that statute is "An Act for the Advancement of the true Religion, and for the Abolishment of the contrary."

25 Hen. 8.
cap. 21.
25 Hen. 8.
cap. 19.

CHAS-
MER,
Atp. Cant.

Hist. Re-
form. p. 28.
22 Hen. 8.
cap. 25.

I and 4.
Edm. 6.
cap. 11.

See Lord
Herbert's
Hist. p. 596.

Rec's Acta
and Monu-
menta,
p. 1070.

a. d. 1528.

Fulke's
Church
Hist. and
Fox, p. 388.

People,' which book occasioned this very statute, as Dr. Heylin relates; or that it was the result of the major part of the thirty-two persons, whereof sixteen were laymen; or of eight persons in king Edward VI.'s reign; or of six clergy and six laymen in the same king Edward's time; according to whose determinations, the '*Reformatio Legum Ecclesiasticarum*,' (see the preface,) and the Ordinals for bishops, priests, and deacons, came to be published by the regal jurisdiction in spiritual affairs. This great prerogative of his majesty's supremacy may be further manifested by king Henry VIII.'s last speech made in parliament not long before his death; and those words in Cromwell's speech (when he presided as the king's vicar-general over the clergy assembled to state something in the controversies of faith), that his majesty would not suffer the Scripture to be wrested and defaced by any glosses or any authority of doctors or councils.

"By virtue of this supremacy, king Henry VIII. put forth certain injunctions concerning matters of faith and discipline, entitled, '*Articles devised by the King's Highness to stablish Christian Quietness and Unity amongst the People*.' In like manner, other injunctions, two years after, by his vicegerent Cromwell and others, in the year one thousand five hundred and thirty-nine; amongst which it was ordered that English Bibles should be provided and put in every Church, &c. And this last thing he did without any consent of his clergy. King Edward VI. also by his council set forth his injunctions: (nothing being deferred herein because of his nonage, though this was much sued for by some bishops :) and in the beginning of his second year, by proclamation, inhibited any to preach that had not the licence either of his uncle the Protector, or archbishop Cranmer: and about the same time restrained the bishops themselves (thought too actively busy in divers places of their dioceses) not to preach but in their own cathedrals. At last by a proclamation put forth September 23, he inhibited the whole clergy throughout the kingdom to preach in open audience, in the pulpit or otherwise, because that his majesty minded to settle very shortly one uniform order throughout this his realm, and to put an end to all controversies in religion; for which cause at that time, certain bishops and notable learned men by his highness's command were congregated. Queen Elizabeth likewise sent forth her injunctions, A. D. 1559,

before she had any clergy to sit in convocation, as she did afterwards articles under the title of the 'Queen's Articles of Visitation,' and her Admonition: all which are lately printed in one volume, with the 'Reformatio Legum Ecclesiasticarum,' and other things which concerned the reformation: by R. Norton, 1661. All which makes it evident, that his majesty, by his regal jurisdiction, may devise, publish, and constrain to be observed, such injunctions as may stablish Christian quietness and unity amongst his people, and rectify their judgments in 92. things that they ought to believe and practise, according to the examples of his royal predecessors the supreme heads and governors of this Church.

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"By virtue of this supremacy, the clergy are bound to admit and consecrate what person soever the king shall present to any bishopric, upon penalty of incurring præmunire; and the consecration is to be performed by such, and so many as the king shall appoint; which persons are to do this work not by virtue of any ecclesiastical jurisdiction in them, but as the king's delegates, who by his letters-patent commands them to consecrate the elect bishop; and in them if there be any canonical defect or impediment, the king by his royal supreme spiritual jurisdiction dispenses with it. Both which things are evident by the patent for the consecration of archbishop Parker in Queen Elizabeth: by the instrument of the said archbishop's confirmation, and by the practice ever since.

25 Hen. 8.
cap. 20.

"By virtue of this supremacy, as the bishops and clergy of the Church of England and Ireland cannot meet in any assembly, synod, or convocation, but by his majesty's writ: so being convened, they cannot open their mouths to deliberate or make any constitutions touching doctrine or discipline, without the king's assent first had under his signet: and having made any constitution they cannot enact, promulgate, publish, or put in use the same, before it be confirmed under his majesty's broad seal.

25 Hen. 8.
cap. 19.
See the
Declaration
of King
James
before the
Canons,
1603; and
King
Charles 1,
before the
Canons,
1640.

"By virtue of this supremacy his majesty may issue out a commission, to such person or persons as he shall think fit, to visit, and inquire after the management of the Church revenues, and may correct and reform the persons, that do not expend them according to the pious uses for which they were bestowed on the Church; and where those revenues are ill employed, his majesty may translate them to pious uses; king Henry VIII.,

CRAN-
MER,
Abp. Cant.

in the thirtieth year of his reign, by his letters-patent under the great seal, translated the prior and convent of the cathedral church of Norwich into the dean and chapter, and discharged them of their special names; which was in these words:—

“*‘Autoritate sua regia, ac autoritate sua in terra supremi capitis Ecclesiæ Anglicanæ, de gratia sua speciali, &c. Coenobium de priore et conventu ecclesiæ cathedralis sanctæ Trinitatis Norwici, in decanum et capitulum ecclesiæ cathedralis sanctæ Trinitatis Norwici transposuit et mutavit; et ulterius concessit quod decanus et capitulum et successores sui omnia et singula dominia et maneria, terras, &c. quæ ad prædictos nuper priorem et conventum, &c. spectabant, habere, tenere, gaudere, et possidere sibi et successoribus valeant.’* ‘In this case,’ says Cook the attorney-general, ‘the said translation was good in law, by reason of the king’s supremacy as head of the Church; and by virtue of the statute, 25 Hen. VIII., and others, extinguishing the pope’s jurisdiction; because the pope having anciently had that power of the economy of the Church revenues, and the same authority that the pope had being given to the king by the same statutes, such translation of Church revenue must needs be legal.’

Vide Dean
and Chapter
of Norwich’s
Case, Coke’s
Reports,
pt. 3. fol. 73.

“Many more instances might be given of the exercise of this regal supreme ecclesiastical authority and jurisdiction, consisting with the other laws of this kingdom: but it may suffice to add this only concerning penalties and censures ecclesiastical; that whatsoever the bishop of Rome could lawfully do in the time preceding the statute 25 Hen. VIII., either in relaxation of the penalty, or suspension of the inferior ecclesiastical jurisdiction, all that is now legally enstated in the king, as is evident from these two maxims universally acknowledged by lawyers, and in the statutes since that time. First, that all manner of spiritual jurisdiction, formerly lawfully exercised in England and Ireland, does now belong to the king. Secondly, that all spiritual jurisdiction exercised by any subject in the said kingdoms, is held and exercised from, by, and under the king.

“And concerning temporal penalties, the resolution is to be grounded on this maxim touching his majesty’s royal prerogative: every offence or crime, made crime by act of parliament, which is not *malum in se*, the king, before the fact committed, may dispense with the act of parliament, and give power to

commit the fact; and all manner of offences whatsoever, whether evil in themselves or not, the king, after the offence committed, may pardon them.” HENRY VIII.

As to this argument, my business being mostly to report, I shall return nothing. But because in the close of the discourse the author lays the main stress of the cause upon the opinion of the common lawyers, I shall endeavour to prove, that the learned of this profession are generally unqualified to determine in the question of the king's spiritual supremacy: First, because they are unfurnished with skill in divinity, and unacquainted with the sentiments and practice of the primitive Church.

Secondly, because they go upon a wrong ground.

First, That the learned of the long robe are unfurnished with skill in divinity, and unacquainted with the history of the Church, besides common experience, we have a famous instance in Croke's Reports. The case was this: Sir Edward Coke, late chief-justice of the King's Bench, after having been discharged from that place, was made sheriff of Buckinghamshire; and had a *dedimus potestatem* to take the sheriff's oath. Sir Edward excepted against this oath upon the score of several additions; he mentions four which were not in the ancient oath of the register, afterwards confirmed by the 18th of Edward III. Upon this account he conceived these additions illegal, unless warranted by parliament. The first addition which I shall only mention was this: that “he should seek to suppress all errors and heresies commonly called Lollardies, and should be assistant to the commissaries and ordinary in Church matters.” To which he certified, that the statutes upon which those clauses against the Lollards were grounded were repealed. Upon his refusal of the oath, the lord-keeper sent for all the judges for their opinion. Upon debating the case they came to this resolution: that this clause in the oath was fit to be omitted, for two reasons: first, because the statutes which enjoin it are repealed; secondly, because these statutes “were intended against the religion now professed and established, which before was condemned for heresy, and is now held for the true religion.”

But, with due regard to the memory of these reverend judges, this resolution of theirs goes upon a great mistake; for

Whether the common lawyers are proper judges concerning the king's ecclesiastical supremacy.

Fol. 18.

5 Rich. 2.
cap. 2.
2 Hen. 4.
cap. 15.
1 Eliz.
cap. 1.

doctrine & wisely different from the doctrine and constitution of the Church of England. It is true they declared against some errors in the Church of Rome; but then they maintained very dangerous tenets: and their case was much like that of Diogenes, who tripped upon Plato's pride with a sharper iron nail. The reader may see some of their heterodoxy in the first part of my Church History; and, in this second part, I have added a further collection: it is drawn out of their books by a committee of both universities, and entered into a volume by Dr. Keble. I shall only mention two of their errors in this magnitude.

First, they maintain taking away any man's life, either in war or church discipline, upon what account soever, is expressly contrary to the New Testament. And in their remonstrance to the parliament, they presented a commission from heaven to enforce this doctrine.

Secondly, they held every man was a priest: and we need not wonder that he is a priest for he is made so by God.

Now, these two assertions are not only subversive of all ecclesiastical constitution and civil, but likewise directly contrary to the first and fifth articles of the Church of England. I am sensible, therefore, these reverend judges were unacquainted with the English tenets: they seem to have been misled in their conclusion by taking fire upon content. But this martyrdom is plainly partial in his reports, abets some errors, and weakens the English reference.

Thirdly, the carriers of the long robe generally go upon a wrong ground. They lay the whole stress of the argument upon the opinions of men of their profession: upon precedents in historical charters and provisions in parliament. Now, granting all these authorities should declare in their favour, this assistance can never settle the point: this foundation will never bear the weight they lay upon it.

Consider the matter a little.—That God is the fountain of all jurisdiction, both ecclesiastical and civil, is beyond all question. This assertion cannot be denied without renouncing christian religion. The case to be resolved is this: Whether God has given the clergy a commission independent of the state:—whether our Saviour has entrusted the Apostles and their successors with the government of the Church, or lodged it with the lay and civil magistrate! And since the whole

matter depends on the pleasure of God Almighty, which way can his mind be known but by consulting his word? To clear this doubt we must inspect the inspired writings, and have recourse to the usage of the ancient Church,—I say the ancient Church, who were nearest the divine institutions, who were so remarkable for disinterest and piety, and who had miracles to recommend their authority. Now, to overlook the Scriptures, and the primitive practice—which is the best comment,—is without doubt an odd way of managing the controversy. To rest the proof altogether upon year-books, reports, or even upon acts of parliament, is to argue upon a dangerous topic. To throw the Scriptures out of the dispute, and cite the statutes for a sovereign decision, does, by inevitable consequence, infer one of these two things.

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Either, first, that the laws of God may be set aside at the pleasure of the civil power: that the institutions of our Saviour may be overruled by the State, and the New Testament repealed by an act of parliament. And if this absurdity is too rank not to be disclaimed,—if they will allow God Almighty the supreme Legislator, and own his jurisdiction paramount to the civil government,—then, from the lawyers' way of arguing in this argument, it follows, in the

Second place, that the Creed means nothing better than priestcraft, or state policy; that Christianity is an imposture; and the Old and New Testaments a collection of forged records.

For, if the Christian system is a revelation from heaven,—if the Scriptures are a body of divine laws, and the authentic declarations of our blessed Saviour,—why do not we apply thither for a resolution of the case? Why do not we look upon them as decisive evidence, and appeal to them as the highest authority? What makes us leave them out of the question, cast the cause upon a foreign issue, and rely altogether upon judicial precedents and provisions of parliament? Can a resolution of the bench defeat a Gospel-settlement, or cancel a charter from our Saviour? Can a human law vacate a divine commission, or recal an authority from heaven?

I hope I have a just regard for the English constitution. Could I have set aside the statute-book, I might have obliged my interest in some measure, and gone on with an easier motion. Where property or civil jurisdiction is concerned, the crown and the three estates have without question a power to

conscience and the conscience of the subject is bound to acquiescence: but I humbly conceive we may safely say there is no omnipresence in a parliament. To affirm that a majority's judgement is above the reach of the constitution, that its judgements are not to be reversed, nor its errors set aside by its successors, to affirm this can be no derogation to any government.

From what has been observed it evidently follows, that the independence of the Church upon the State, in matters purely spiritual, is a question which cannot be decided by the municipal law.

The next consequence is, that common lawyers in this case are no better authority than men of any other employment. It is true if a lawyer will study divinity, examine the Scripture, read over the fathers and councils, and other records of the earliest centuries,—if he will make himself master of this part of learning, and argue from authorities of this kind,—he ought to be believed as far as the intrinsic will bear, and the merits may him, and so argue any body else. But a lawyer, ~~without~~ lawyer can have no preference: he has no commission to give sentences, nor any privilege to pronounce upon the matter. The point is made strong by his character: and to cast the cause upon authorities within his profession, is not to argue like a person baptized. And which is somewhat harder, to say upon such principles, is to fall short of the heathen religion. For all people in this side Atheism will readily confess the empire of the Supreme Being is above control, and that no human law can operate against a decree of the court in heaven. I would willingly believe Sir Edward Coke, and those that follow him, in defence of the regale, were not aware of the consequences of their reasoning. Men of eminence, especially, should keep their conscience awake when they treat this subject. For without due care, arguments upon this head serve only to mislead the government, to fix the Church in a state of aggression, and draw a persecution upon the Church. For in what countries soever the Church cannot exercise the powers given her by Christ, without running great hazard without forfeiture or imprisonment, there it must be said the profession of Christianity is made penal in some measure. The famous Gamaliel, though a Jew, was afraid of shocking the Apostles in the discharge of their office: he ad-

raised the Sanhedrim "to let them alone, lest haply they might be found to fight against God." But no more of this matter. HENRY VIII.

The act concerning the supremacy above-mentioned having something of a new face, the king consulted the universities, the clergy in convocation, and several religious houses, before it was passed. The book likewise, "*De Vera Differentia inter Regiam et Ecclesiasticam Potestatem*," was published upon this occasion. These were thought proper expedients to make way for the regale, to take off the charge of novelty, and reconcile the subject to the act. Acts 5. 34. 38, 39.

To mention some of the resolutions of the clergy upon this point. In June last, Lee, archbishop of York, sent the king a sort of an address from the convocation of his province. Here they renounce the pope's authority, and expressly declare, "that, by the word of God, he has no more jurisdiction in England than any other bishop." The same protestation was made by the bishops of Lichfield and Coventry, St. David's, and Bath and Wells; by the dean and chapter of the see last-mentioned, by the prior and chapter of St. David's, by the dean and chapter of St. Paul's, St. Asaph, Lincoln, and Llanlaff; together with four-and-thirty abbots of the most considerable monasteries, with a great many monks of their respective houses. June 1, 1534.
The convocation of York, &c. declare against the pope's supremacy being "jure divino."
See Records, num. 26.

The convocation of the province of Canterbury seems to have led the way: for, on the last of March this year, the question being put by archbishop Cranmer, both houses came to a resolution against the pope's supremacy, in the sense above-mentioned. In the lower house four voted for the pope's authority, and one demurred. At the same time an instrument or declaration of the sense of the prelates and clergy of the province of Canterbury was drawn and signed, with this title, "*Quod Romanus episcopus non habet majorem jurisdictionem sibi a Deo collatam in hoc regno quam alius quivis externus Episcopus*." The same done by the convocation of Canterbury.
Journal of Convocation, fol. 59.

And, in November following, Cranmer ordered an alteration in the archiepiscopal style, struck out "*apostolicæ sedis legatus*," and put "*Metropolitanus*" instead of it. Ibid.

By this public declaration of the clergy, of the universities and religious, that the pope had no more jurisdiction given him in Scripture over the Church of England than any other foreign bishop,—by this declaration, I say, they clearly denied all

They took a supremacy, and cut off his claim from St. Peter. But then, in inserting this clause in *Scripture*, or by the force of law, they seem at present to fence against re-
voking any privilege he might make out by authority of
canon or ecclesiastical constitutions.

The oath and manner of St. Paul's is somewhat more full in the declaration of their submission. They make a strong declaration of their loyalty to the king, and to his issue by queen Elizabeth. They promise they shall always acknowledge him for head of the Church of England, and that for the future, they will join in his name in their public prayers, and only mention his majesty in private. They likewise renounce every thing in the canon law which shall be found contrary to the laws, statutes, or to the usages and customs of this realm. And in the close of all, they swear themselves to a perform-
ance of the oaths.

Mr. Jackson, Mr. WILKINSON observes, that the renunciation of the pope by the clergy and religious was general; that the number of the remaining in the exchequer: that he had in the year 1534, not more than a hundred seventy and five such religious institutions remaining from thence; that these institutions contained the subscriptions of all the bishops, monasteries, colleges, hospitals, &c., of thirteen dioceses: that to his certain knowledge, the original subscriptions of the remaining dioceses were lodged elsewhere. And here he observes, from the times, that the Church of England did not begin the subscriptions.

The statute of the parliament of Annates, or the first-fruits of benefices, offices, dignities, &c. spiritual, were granted to the king his heirs and successors, together with the yearly value of the tenth part of all such livings. The bishops of each diocese are charged with the collection of the same, and answerable for non-payment. Parsonages and benefices not exceeding the yearly value of eight marks, are exempted from this imposition, unless the incumbent lives three years without institution or collation.

When the first-fruits were, when and why demanded by

the popes, has been elsewhere related. And now this revenue, as the preamble sets forth, was granted the king partly in consequence of his being supreme head of the Church. HENRY VIII.

Before this statute the bishop of Norwich used to receive the first-fruits of benefices within his diocese; and the archdeacon of Richmond had the same privilege within his archdeaconry: but now all payments of this kind were to be made to the crown.

To proceed: there was an act passed in this session by which it was made high treason for any person "maliciously to wish, will, or desire by words or writing, or by craft imagine, invent, practise, or attempt any harm to be done or committed to the king's most royal person, the queen, or her heirs-apparent, or deprive them or any of them of their dignity, title, or name, of their royal estates, or slanderously and maliciously publish and pronounce by express writing or words that the king our sovereign lord should be heretic, schismatic, tyrant, infidel, &c." Words made treason.
26 Hen. 8.
cap. 13.
Statutes at Large.

I mention this act because bishop Fisher apprehended himself in some danger by it, as will appear afterwards.

The next statute I shall mention settles the election and powers of suffragans, and appoints the towns in which they should be placed. Every archbishop or bishop, disposed to have any suffragan, was to present two persons to the king, who was to make choice of one of them. These suffragans were to have the style of bishops; they were to be presented by the king's letters-patent, under the broad seal, to either of the archbishops in whose province they were to reside; and, by one of these metropolitans, to receive episcopal consecration, according to the form and ceremonial then in use. These suffragans are barred from receiving any profits, or exercising any jurisdiction, any further than they shall be licensed or commissioned by the bishop for that purpose. Their authority likewise was to continue no longer than they were empowered by their commission. The election and authority of suffragans.
26 Hen. 8.
cap. 14.

Our learned Church historian observes, that suffragan bishops were put down by degrees from the ninth century: but this remark will not hold. For not to mention that Petrus Corbariensis was suffragan to the bishop of London, in the reign of Edward III., it appears by the preamble of this act, that the office of suffragans was customary in this king- Bp. Burnet,
pt. 1. p. 158.
See my
Ch. Hist.
pt. 1. p. 531.

and that there was actually such prelates at the making of the statute, is evident by one of the provisos, by which the nation is enjoined to - provide two bishops or suffragans, who, in conjunction with the archbishop, were to consecrate his suffragan for the future."

This parliament, bishop Fisher and Sir Thomas More were executed on suspicion of treason for refusing to swear the act of succession.

Towards the latter end of this year, the convocation agreed to address the king for an English translation of the Bible, and that disputes concerning religion might not be allowed the law.

The next month the king, for the augmenting his revenue, and that the first-fruits and tenths might be paid to their just value, ordered instructions to be drawn up to make an exact inquiry into the estates of all the clergy, both secular and regular. I shall lay part of the original before the reader.

Instructions devised by the king's highness by the advice of his council, for knowledge to be had of the whole true and just yearly values of all the possessions, manors, lands, tene-ments, benefices, and profits, as well spiritual as temporal, appertaining to any manner of dignity, monastery, priory, church, collegiate church, conventual, parsonage, vicarage, rectory, free chapel, or other dignity, office, or promotion within this realm, Wales, Calais, Berwick, and elsewhere of the same, as well in places exempt as not exempt, which his pleasure is that such as shall have charge by his commission to survey the same, shall effectually with all uprightness and integrity follow and ensue, as they will answer unto his majesty at their peril."

The contents of the instructions may be understood by the following extract, which runs thus :

Item. Finally, after the true and just yearly value of all the churches, benefices, offices, cures, and other promotions within have rehearsed, examined, and known, then the said commissioners to whom the commission shall be directed, shall cause to be made a fair book after the auditor's fashion, putting first in the head thereof the name of the archbishopric

or bishopric where the commission is directed, if the see be within the limits of their commission; and the whole and entire value thereof, like as is afore-mentioned in the article concerning the same; with the deductions to be resolute that are mentioned in the said article and none other. And then next to put the name of the cathedral church, or monastery, where the see of the archbishopric or bishopric is. And the number and names of all such dignities, prebends, offices, cures, chantries, and promotions spiritual which be in succession in the said cathedral church or monastery: and as well the whole and entire yearly value of the said cathedral church or monastery as the particular yearly profit that belongs to every the said dignities, prebends, offices, &c., with the deductions to be resolute out of the same, as is mentioned in the article above-specified concerning the same: and then next after that to put the number and name of every archdeaconry and deanery rural, within the limits of their commission, and in whose diocese and jurisdiction they be; and their several and particular yearly value and deductions, like as is mentioned in the article concerning the same: and next after that to put every college, church collegiate, hospital, abbey, monastery, priory, house religious, parsonage, vicarage, chantry, free chapel, and all other promotions spiritual, under the title and name of the deanery rural, where such colleges, churches collegiate, hospitals, abbey, &c., lyen and byn founded: and their several and distinct yearly values.—And the number and names of such prebends, dignities, offices, cures, chantries, free chapels, &c., and their distinct and several yearly values, as is before declared in the said articles; so that always under the title of every deanery rural, there be contained all such dignities, abbeys, monasteries, &c., wheresoever they lyen and byn in the deanery where they be founded and edified: and if any of them be put out of the limits of all deaneries, then to put them by themselves, rehearsing their names and the places where they lyen, and in whose diocese and jurisdiction with their whole values, &c., added to every of them distinct by themselves; foreseeing always, that in the making of the yearly values of every manner dignities, monasteries, &c., above-mentioned, there be made a whole and entire value of every of them by themselves, and nothing to be allowed or deducted out thereof, for reparations, fees, serving of cures, or any other

2. 1. 4.
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causes or things whatsoever it be, except only such annual and perpetual rents, pensions, alms, synods, proxies, and fees for offices as be before especially mentioned in the articles aforesaid. And after the said book be made, then the said commissioners shall certify the same unto the king's exchequer under their seals, according as is limited by the tenor of their commission, as they will answer unto the king's highness at their utmost peril: to the intent that the tenth of the premises may be taxed, and set to be levied to the king's use, according to the statute made and provided of the grant aforesaid."

These instructions had, in all likelihood, a further reach than the securing the full payment of the tenths: the design seems to have been to draw envy upon the spirituality from the greatness of the revenues: it was to give the king an inviting prospect upon the abbots: to awaken his fancy towards a dissolution: and solicit him to make prize of the Church.

There were commissions immediately granted pursuant to these instructions: one of which, relating to the city and liberties of London, I shall transcribe for the reader.

About this time, if Fox's chronology holds, the bishops took an oath to the king, by virtue of which they acknowledged him supreme head of the Church of England, promised to maintain him and his successors in this branch of the prerogative, renounced paying any obedience to the pope, or holding any correspondence with that see. Fox sets down this oath at length, mentions its being taken by Gardiner, bishop of Winchester: Stokesly, bishop of London; and Tunstal, bishop of Durham. This was a voluntary engagement, there being no act of parliament requiring any such oath. And though Fox mentions the forms of swearing in no other bishops than those above recited, yet that this submission was followed by the rest of that character appears by an order of council for regulating the pulpits, which the reader will meet with in its proper place. Further, by this general renunciation of the pope's supremacy by the universities, clergy, and religious already mentioned, it appears they are misrepresented by our learned Church historian, and wrongfully charged with constant opposition to the reformation.

149. Burnet,
vol. I. p. 33.

The king not enduring any opposition to his new title,

resolved to proceed to extremities against Fisher and More. He began with the bishop, who, after he had lain in the Tower about a year, was brought to his trial. During his imprisonment, he was examined upon the contents of some letters that passed between him and Sir Thomas More, who was also then prisoner in the same place. The purport of the bishop's letters to More was chiefly concerning a bill, by which words against the king were made treason. This bill stuck in the House of Commons, who insisted that the term maliciously might be added. The act was passed with this amendment: Sir Thomas More, who answered the letter while the bill was depending, told the bishop, that provided the act was thus qualified, he would be in no danger by answering the question, concerning some words charged upon him.

HENRY
VIII.*Bishop
Fisher's
trial.*
A. D. 1535.26 Hen. 8.
cap. 13.

Further, one article against him was, that a servant of the lieutenant had heard Mrs. Roper, his daughter, say, that bishop Fisher was made a cardinal. To which he answered, he said servant and one Wilson being present, that if the cardinal's hat was laid at his feet, he would not stoop to take it up.

Cotton,
Lib. Cleop.
E. 6.
fol. 169.

It is true pope Paul had lately declared him a cardinal. This unseasonable respect precipitated his death: for the king thought this promotion might be of ill consequence, and encourage his subjects to contemn his authority. For Fisher had refused to swear the preamble to the act of succession, and could by no means be prevailed with to own the king's ecclesiastical supremacy in the forms prescribed. The king, as Saunders reports, sent some of the judges to examine him, whether he had made any application for the cardinal's cap. His answer was, "that he never solicited either for that, or any other honour: and that this time especially, it was very unlikely to draw his fancy: that old age, confinement, and expectations of death, were preservatives against ambition."

De Schism.
Anglic.
p. 135.

As to the letters which passed between More and this bishop, the subject of them was mostly to encourage each other to fortitude and resignation, to implore the Divine assistance, and pray for their enemies: neither did any thing pass, as far as I can discover, which might be construed to a harsh or uncharitable wish to any person living.

Cotton,
Libr. ibid.

There is a letter of one Bedel, which bears somewhat hard upon the bishop: it mentions a book of Fisher's, written in

CRAN-
MER,
Abp. Cant.

defence of the king's marriage with Catharine of Spain, and against his second marriage with Anne Boleyn. These books were delivered by this Bedel to the archbishop of Canterbury. Bedel adds, that he was informed by the confessor of Syon, that the bishop assured the king, he had never showed certain letters relating (I suppose) to the divorce, to any person but his majesty, and promised to keep them private. This confessor, however, as Bedel continues, affirmed that Fisher sent him and two other friars a copy of his letters directed to the king, together with the king's answer.

Cotton,
Libr. Cleop.
E. 6.
fol. 168.

Bp. Burnet's
Hist. Re-
form, pt. 1.
p. 333.

The bishop was brought to his trial on the seventh of May, as the lord Herbert relates. The lord chancellor, the duke of Suffolk, and some other lords, together with the judges, sat upon him by a commission of Oyer and Terminer. He was indicted by the addition of Dominus Johannes Fisher, nuper Roffensis Episcopus; which it may be might be the reason of his not being tried by his peers. Why he was styled the 'late' bishop of Rochester, is somewhat mysterious: for I do not find he had been deprived by any authority either of Church or State. The charge of high treason in the indictment runs thus:

Cotton,
Libr. 169.
fol. 178.

"Quod anno vicesimo septimo regis Henrici Octavi apud turrem London, in comitatu Middlesex, contra ligeantie sue debitum, hec verba Anglicana sequentia diversis dicti domini regis veris subditis, false, malitiose, et proditorie loquebatur et propalabat: viz. The king, our sovereign lord, is not supreme head in earth of the Church of England. The bishop was found guilty. But,

28 Hen. 8.
c. 13 and 20.

28 Hen. 8.
cap. 1.

28 Hen. 8.
cap. 13.
Statutes at
Large.

How these words could be mounted to high-treason, is somewhat difficult to understand. For the late acts of parliament leading towards the supremacy, in the twenty-fifth year of this reign, carry the forfeitures no higher than premunire and misprision of treason. And the act of this present year, which brings the regale to the highest pitch, has no penalty annexed. If therefore the bishop was found guilty upon any statute, it must be upon that which makes it treason to maliciously wish or desire by words, or writing, to deprive the king of his dignity or title. But whether this act was strained upon the bishop or not, I shall leave to the reader.

Fisher was hardly used during his imprisonment. In a letter of his to Cromwell, he acquaints this minister with his

wanting necessities, and that he had neither clothes, fire, nor proper diet allowed him. He likewise complained of the illness of some persons sent by the king to discourse with him in prison. These men, as he expostulates, pressed him to give them his reasons against the king's supremacy, with an assurance that he should receive no damage by discovering his mind. Under this confidence, the bishop declared his opinion, with the grounds upon which he went. But as appeared by the event, he trusted them too far: for these men, (who suppose were Bedel and Layton,) two clerks of the council, broke through the secret, and turned evidence against him.

HENRY
VIII.

Fuller's
Church
Hist. book 5,
p. 190. from
Cotton.
Libr.

Harmer,
p. 60.

He was executed upon the twenty-second of June, in the seventy-seventh year of his age. The morning before the execution, the lieutenant of the Tower came to his chamber, and acquainted him, he was to suffer that forenoon. The bishop told him, he had expected that message a long while, and was not at all surprised at it: he humbly thanked the king for putting an end to his fatigues, and giving him a passage into the other world.

The lieutenant told him, the king would have him be short in his speech, not to break out into reflection, arraign his government, or give the people an ill impression. The bishop replied, he hoped by God's assistance to be very inoffensive, and neither give the king nor any other person any reason for complaint. Upon his dressing himself with more care and exactness than usual, his servant asked him, why he took all that pains about his habit, not having above two hours to wear it? "That is no matter," says the bishop, "it is my wedding-day; and therefore out of respect to the occasion, I ought to appear something finer than ordinary." Being very infirm, he was carried in a chair to the Tower-gate, where they made him halt till the sheriff received him. During this interval, he opened the New Testament, and desired God some place proper to his circumstances might come up. Upon looking into the book, he found these words: "This is life eternal, that they might know thee, the only true God, and Jesus Christ whom thou hast sent. I have glorified thee on the earth, I have finished the work which thou gavest me to do." Upon this he shut the book, and said, "Here is learning enough for me to my life's end."

*He suffers
with great
fortitude.*

John 17.
3, 4.

345-
428.
1562-1563

When he came to the scaffold, they offered to help him up; but he desired them to let him alone, "and that they should see him shift well enough for himself." He went up the stairs with unusual liveliness and strength: so that those who knew his age, and the weakness of his constitution, were very much surprised.

He observed the king's orders so far as to be very short in his speech.

1563-1564

He told the people, he came to die for the faith of Christ's holy Catholic Church: he gave God thanks for supporting him with resolution for the occasion; and that the fear of death had hitherto made no impression upon him. He desired their prayers, that he might continue his adherence to every point of the Catholic faith, and stand firm and unshaken at the last moment. And lastly, he begged Almighty God to preserve the king and kingdom, and bless his majesty with a good council.

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HENRY
VIII.

First, that the greatest part of those who have relied on the guidance of their private spirit, for the sense of the Scriptures, have failed in their interpretations, and miscarried into error and heresy.

His second principle is, that since the ancient heretics were lost by this liberty, those who are governed by the same directions, have no reason to expect any better success.

His third is, that in all controversies concerning the meaning of holy Scripture, or any other point relating to the Catholic Church, there ought to be a judge to give sentence, and settle the matter: and that the pope, as head of the Church, has always had a principal share in decisions of this nature.

Fourth, that all controversies cannot always be determined by the holy Scriptures, exclusively of other assistance.

Fifth, that the Holy Ghost is promised by our Saviour to be always present with the Church, to inform her in all necessary truth, and enable her for the discovery of error.

His sixth is, that the Holy Ghost has always made use of the Fathers for the confuting heresies, and teaching true doctrine. From hence he infers in the

Seventh place, that all those who reject the doctrine of the Fathers, despise the instruction of the Holy Ghost.

Eighth, that if every single Father was the organ of the Holy Ghost, for the benefit of the Church, we have still more reason to believe his divine assistance is not wanting in general councils.

Ninth, that apostolical traditions, though unmentioned in the inspired writings, ought to be observed.

Lastly, that we ought not only to receive the doctrines handed down by tradition, but the customs likewise approved by the universal Church.

Having premised these general principles, and supposed them well proved, he proceeds to the articles condemned by pope Leo X., and replies to Luther's defence paragraph by paragraph.

This bishop sat three-and-thirty years at Rochester. And how serviceable he was in the founding of St. John's and Christ's colleges in Cambridge, has been already related.

To describe him a little further: he was born at Beverley in Yorkshire. His father was a wealthy merchant: he was edu-

See my
Ch. Hist.
pt. 1.
under king
Henry 7.
Fuller's
Ch. Hist.
book 5.
p. 202.

CRAN-
MER
died
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He owned
the former
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God.

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ated at Cambridge, of which university he was afterwards chancellor. He was confessor in the last reign to the lady Margaret, countess of Richmond, and prevailed with her for the founding the two colleges above-mentioned.

To say nothing of Fisher's belief, which held up the claims of the court of Rome, the most exceptionable part of his management seems to have been his hearkening too much to the visions of the Maid of Kent.

Cromwell expostulates sharply with him upon this head: tells him, his defence was short: that he ought not to have resigned himself so implicitly to report: that he should have examined the circumstances more narrowly, and brought her pretended inspirations to a stricter test: and since the king was so far concerned in her prophecies, it was his duty to have acquainted his majesty with what had passed. He charges the bishop with a partiality for the princess dowager and the bishop of Rome: and that if this nun had prophesied for the divorce, and approved the marriage of queen Anne, he would not have gone so easily into the belief of her revelations.

But charges Fisher with the death of Fryth, Tewkesbury, and Bayfield. But this is more than appears: for these men were tried before Stokesly, bishop of London, neither was Fisher one of the assessors.

The extremities against Fisher, and the setting his head upon London-bridge, drew a censure upon the king, especially from those beyond sea. The pope immediately fulminated in a bull: in this instrument, "he gives bishop Fisher a great character, and styles him a cardinal. He admonishes the king to relinquish his errors, and repent his crimes: summons his highness to appear within ninety days at Rome, either in person or by proxy, and stand to the judgment of that court. And in case of refusal, he was, after the term prefixed, to be excommunicated, and the kingdom put under an interdict. And upon nonperformance of the conditions above-mentioned, the subjects are commanded to withdraw their allegiance; all other Christian countries are forbidden the liberties of intercourse and commerce with the English: the ecclesiastics are ordered to depart the kingdom with all expedition: the temporal nobility and gentry to form themselves into an army, and drive the king out of his dominions. And as for foreign kings and princes, they are exhorted in the Lord, as Sanders tran-

scribes it, to treat Henry and his abettors as rebels to the Church, and undertake a holy war against them, till they have brought them to recollection and submission to the apostolic see: and to disentangle their consciences, and encourage them the better, all their alliances, treaties, and engagements of what kind soever, with the king of England, are declared null and void.

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VIII.

“And for the more effectual apprehending of those who stood firm for the king, his holiness grants letters of reprisal to Christendom in general: and thus any body that could seize them, might make slaves of their persons, and take their effects for their own use.

“Further, there is an order directed to all the prelates, to excommunicate the king and his abettors publicly in their churches. And lastly, all persons are laid under the like censure that shall hinder this bull from being either published or executed. And that the king and his friends might not pretend themselves unacquainted with the pope’s resolution, this instrument was ordered to be fixed on the doors of the principal churches of Tournay, Bruges, and Dunkirk.”

Sanders, de
Schism.
Anglic.
p. 146, et
deinc.

There was an answer given to this extraordinary bull, by Gardiner, bishop of Winchester, as it is supposed. This apologist justified the king’s conduct both as to Fisher and other matters; and returned some of the pope’s rough language upon him. The pope’s menacing the king in this manner did Sir Thomas More no kindness. Being thus chafed with ill-usage, he was resolved to pursue his point, to assert his ecclesiastical authority to the utmost, and come to no abatements with his subjects. Sanders fancies the king thought the terror of Fisher’s execution might have made an impression upon More. But the event proving otherwise, there was an order to examine him further upon the point of the supremacy as now settled by act of parliament. When this question was put to Fisher and More, their reply was much the same. They compared the act of supremacy to a two-edged sword; and that there was no avoiding of it: for if a man answered one way it would destroy his body, and if the other way, his soul. It was Rich, the king’s solicitor, who was sent upon this business. Sir Thomas More, being aware of the danger, avoided the giving any direct answers, and fenced for his life, as far as his conscience would give him leave. Rich made him another visit, and having first

*An apology
published in
Latin for
the king.*
Ed. Herbert,
p. 392.

*Sir Thomas
More fur-
ther exa-
mined about
the su-
premacy.*

CRAN-
MER,
Atty. Gen.
*The dis-
course be-
tween the
solicitor and
Sir Thomas
More.*

III. p. 222.

Coke's In-
stitutes, p. 4.
lib. 3.

July 1,
1533.
Coke's trial.

protested he had no commission to discourse upon the subject above-mentioned, asked him, by way of conversation, whether if Richard Rich was made king by act of parliament, with a clause that it should be treason to deny his title; if this supposition was matter of fact, he desired to know, what crime it would be to disobey the statute? Sir Thomas More answered frankly, that he thought the subject would be bound by such a statute, and by consequence, the breach of it must be a fault. But that this case did not come up to the matter in hand. To mention therefore, a parallel instance: "Suppose," says Sir Thomas More, "the parliament should enact that God shall not be God, and fortified the act with the penalty of treason; whether it would be a crime or not to stand by the act?" The solicitor Rich answered, "Yes;" but added withal, "the case was put too high, and therefore he would propose another of a size better proportioned. The king is constituted supreme head of the Church by act of parliament, why therefore cannot you own him under that character, since you would acknowledge me king, provided I had a title for that dignity by statute?" Sir Thomas More answered, "The parliament had power to make a king, because the whole nation concurred to the bill, either in person or by representation, for which reason the subject was bound to acquiesce: but then there was a disparity in the instance: for the king had not the vote of all Christendom to settle his ecclesiastical supremacy: for though he was received under this distinction in England, yet foreign nations had not agreed to his privilege." His saying that "*Rex per parlamentum fieri potest, et per parlamentum deprivari*," is somewhat crudely expressed, and looks at first sight as if Sir Thomas was more a philosopher than a lawyer. For by the English constitution, there can be no parliament without a king or queen at the head of it. For, as Sir Edward Coke speaks, "*rex est caput, principium, et finis parliamenti*." But he complains himself misreported by the solicitor, as we shall see by and by. Besides, his meaning might be no more than a bill of exclusion might pass against the right heir, and the lineal succession be overruled by act of parliament.

To return: these evasive answers, together with this refusal of the oath of succession, proved mortal to him. He was brought to his trial soon after. In the indictment he was charged with opposing the king's second marriage, out of obsti-

nacy and humour. To this he confessed, that he had always frankly declared his opinion to the king upon that matter. But then he humbly conceived, such freedoms could not be construed to high treason: besides, he thought if this was a fault, the loss of his goods, and perpetual imprisonment, was a sufficient punishment. Another article in the indictment was, that he being a prisoner, and twice examined by the lords of the council, declined answering the question, whether the king was supreme head of the Church or not¹? For all they could draw from him was, that he was not concerned in the law which gave the king this title: that he was not bound to declare, either for or against the justice of the statute; because he had no spiritual preferment. However, he protested he had never said or done any thing against that act, neither could any evidence be produced to make him guilty. For the future, 99. he should only employ his thoughts upon the passion of his Saviour: that he was not conscious of breaking any law; and that neither this statute, nor any law in the world, can punish a man for holding his peace. Governors cannot look into people's hearts: and therefore human laws punish no further than words or actions. By another branch of the indictment, he was charged with maliciously, traitorously, &c. practising against the statute above-mentioned, by writing eight packets of letters whilst a prisoner, to bishop Fisher. That by these letters, he exhorted the bishop to disconform to this statute, and pressed him to the same obstinacy with himself. Sir Thomas in his answer desired the letters might be produced: but to this it was replied, the bishop had burnt them. Upon this Sir Thomas confessed the contents; that some of the letters were only upon the subject of friendship and private affairs. It is true, the bishop in one letter, desired to know how he had answered in his examination, with respect to the supremacy. More wrote him word, that his conscience was settled already, and that the bishop might settle his own as he thought best. And here he appealed to God, that this was all the answer he returned the bishop to that question. He likewise affirmed he never spoke or wrote a word against this law to any man living, though the king perhaps might have been told the contrary. To conclude, he utterly denied the passage between the solicitor and himself, in the sense above related. From whence it appears, that the solicitor Rich had reported

HENRY
VIII.¹ *Malitiosè
silebat.*Life of Sir
Thomas
More, by
T. M.
Ed. Her-
bert's Hist.
p. 393.

CRAN-
MEN,
Alp. Cant.

*His
death and
character.*

Sir Thomas More's conversation, and alleged it as an evidence against him. Thus it is plain, this great man was not weary of living, but endeavoured to preserve himself with all the caution he could make use of: and which way the jury reached him is not easy to account for. However, they brought him in guilty of high treason. The indictment and their verdict being grounded upon the 26 Hen. VIII. cap. 13.

He received the sentence with an equality of temper, answerable to his custom: and, having prepared himself for the scaffold with seriousness and devotion, he returned at last to his usual pleasantness of humour. Some think he indulged his levities too far, and that his jests were somewhat unseasonable. But, on the other side, it may be said the divertingness of some expressions might result from the fortitude and serenity of his mind; that his frequent contemplation of death had preserved him from the least surprise; and that the nearest prospect could not disconcert his humour, or make the least alteration upon him.

As to the rest of his character, he was a person of learning, and of a strong genius. He had a very lively and beautiful manner in his writing. He was for some time much in the king's favour, and, had his temper been mercenary and ambitious, might have made his fortune to what degree he had pleased. But he was altogether above the consideration of money: his conscience was not flexible enough for this purpose: and thus he lost his life, and left his family but slenderly provided. When he wrote his *Utopia* he seems to have had some latitude in his principles, and that he was willing to give allowance for difference in belief; but this moderation went off in a great measure afterwards: for, it must be said, he was no gentle adversary to the Lutherans and Lollards; he argues against Tyndal, Fryth, &c. with eagerness enough; and, when he was lord chancellor, some of that persuasion felt the weight of his character. But then we have reason to believe this treatment did not proceed from savage and sanguinary humour; it was, as it is most probable, the insurrection under Sir John Oldcastle, the civil distractions in Bohemia, and the late disorders of the Anabaptists in Germany, which gave him an aversion to innovations in the Church. He suffered upon Tower-hill, on the sixth of July, in the fifty-third year of his age.

Having already observed this gentleman's principles had a larger compass when he wrote his *Utopia*, it may not be improper to give an instance of it. In this book, where he seems to borrow the disguise of a romance only to declare his mind with greater freedom,—in this book, I say, he tells us the *Utopians* allow liberty of conscience, and force their religion upon nobody; that they hinder none from a sober inquiry into truth, nor use any violence upon the score of a different belief.

HENRY
VIII.

Fisher and More are reported, by several of the Church of Rome, to have made the book which goes under king Henry's name against Luther; but the lord Herbert is not of this opinion. He only thinks they might look it over at the king's instance, and interpose their judgment in some passages. But that the king, after all, was governed by his own sentiment, and that More had no hand in the composition, appears pretty plainly from this gentleman's letter to Cromwell, dated March 1533. He acquaints this minister it was formerly his opinion that the pope's primacy stood only upon councils and prescription, and was not "*jure divino*;" that when the king showed him his book against Martin Luther, he desired his highness either to omit the point of the papal supremacy, or touch it more slenderly at least,—for the asserting the privilege of the pope's see to that height might afterwards prove unserviceable in case any disputes should happen between the court of Rome and his highness: that the stretch of the pope's pretensions had been unfortunate to some princes; and that it was not impossible the same occasions might be revived.

The king the author of the book against Luther.

Ld. Herbert p. 392.

More's Works, p. 1427.

Sir Thomas More's opinion as to the pope's supremacy.

To this the king answered, he was resolved not to alter any thing upon that head, and gave Sir Thomas a reason which was altogether new. This book of the king's, it seems, and his further reading upon the controversy, made him change his opinion in some measure, and rather conclude the pope held his primacy by divine right. However, as he continues, he still thought the pope under the jurisdiction of a general council; and that he might be deposed, and another set up, at the pleasure of such an assembly. By this letter it appears More had no share in the book against Luther, and that he believed the king the author of that tract.

To proceed: some little time before the execution of Fisher and More, several people of different persuasions suffered upon

CRAN-
MER,
Abp. Cant.
May 25.
A. D. 1535.

Several an-
baptists
burnt.

Stow's
Annals,
p. 571.
Ibid.
June 18.

Rolls.
Cotton.
Chron. E. 6.
vol. 24.
Rolls.
Rolls.
June 25.
A. D. 1535.

The king's
letter appointing
commissioners up
the pope's
supremacy.

the score of religion. Nineteen Dutchmen and six women were examined at St. Paul's, London. Their opinions, as Stow reports them, were most of them very lamentable. For the purpose, they denied, like Eutyches, the two natures of Christ; they affirmed he assumed neither flesh nor blood of the blessed Virgin; thirdly, that the children of infidels will be saved; fourthly, that the baptism of children is wholly insignificant; fifthly, that the sacrament of Christ's body is nothing but bread; lastly, that he that sins wilfully, after baptism, sins 100. mortally, and cannot be saved. Fourteen of these were convicted of heresy, and burnt in London and other towns.

About a month after, Thomas Exmew, Humphry Middlemore, and Sebastian Newdigate, three monks of the Chartreux, London, were hanged, drawn, and quartered, for denying the king's supremacy. This looked like impartial severity, or it may be cruelty, on both sides. However, the people being not sufficiently frightened by these rigours, the king resolved to try the experiment upon some great persons, as we have seen in More and Fisher.

The king, having had the concurrence of the clergy and universities against the supremacy of the see of Rome, sent letters to the lord-lieutenants, as it is most probable, to hinder the preaching up the pope's authority. The tenor of them is as follows:—

"HENRY REX.

"Trusty and right well-beloved, we greet you well. And whereas heretofore, as ye know, both upon most just and virtuous foundations, grounded upon the laws of Almighty God and holy Scripture, and also by the deliberate advice, consultation, consent, and agreement, as well of the bishops and clergy, as by the nobles and commons temporal, of this our realm, assembled in our high court of parliament, and by authority of the same, the abuses of the bishop of Rome, his authority and jurisdiction, of long time usurped against us, have been not only utterly extirped, abolished, and secluded, but also the same our nobles and commons, both of the clergy and temporality, by another several act, and upon like foundations for the public weal of this our realm, have united, knit, and annexed to us and the crown imperial of this our realm the title, dignity, and style of supreme head in earth, immediately

under God, of the Church of England, as undoubtedly evermore we have been : which things also the said bishops and clergy, particularly in their convocations, have wholly and entirely consented, recognized, ratified, confirmed, and approved authentically in writing, both by their special oaths, profession, and writing under their signs and seals, utterly renouncing all other oaths, obedience, and jurisdiction, either of the said bishop of Rome, or of any other potentate."

HENRY
VIII.

In the remainder of this letter the king informs them of his having charged the bishops and clergy to strike the pope's name out of the offices of the Church, and to preach up the regal supremacy; and that orders had been given to the several justices of the peace to inquire whether the clergy had done their duty in the premises. The persons to whom this order is directed are commanded to set forth the regale at the assizes and sessions. This letter likewise complains of the treasons committed by the late bishop of Rochester and Sir Thomas More; and that these persons were in a practice to mislead the people into dangerous opinions with respect to the supremacy.

About this time the archbishop preached against the pope's supremacy at Canterbury. Some of the religious were disgusted at his sermon; and, not long after, the prior of the Black friars in that town preached counter doctrine. His discourse was pointed against three things maintained by the archbishop: he asserted the Church never erred; that the bishop of Rome was to be honourably treated; and that the constitutions of the Church were equally binding with the laws of God Almighty.

This bold attack upon the archbishop was not to be passed over. The prior, being convented, denied his sermon, and justified the archbishop; but being discharged upon this modest behaviour, and encouraged by a party of the religious, he retracted his confession, and ran riot no less than formerly. The king, being informed of his relapse, advised the archbishop to proceed to censure.

Upon this occasion the archbishop wrote to the king, sent him an abstract of what had been preached both by himself and the prior, declined being a judge in his own cause, and entreated the matter might either be referred to the lord-

CRAN-
MER,
Aly. Cant.

Styke's
Memorial
of Arch-
bishop Cran-
mer, book I.
p. 21.
Biblioth.
Cotton.
Clasp. E. 6.
fol. 232.

vicegerent Cromwell, or else some persons assigned by his majesty to sit upon the bench with himself. What end this business had is not related; but it is likely this misbehaviour of the prior, and his appearing against the king's supremacy, did the rest of the religious no service.

About this time, and it may be a little before, an order for regulating the pulpits, with reference to preaching and bidding of prayers, was set forth by the king and council. It runs thus:—

Orders for
regulating
the pulpits,
and bidding
of beads.

"First, Whosoever shall preach in the presence of the king's highness and queen's grace, shall, in the bidding of the beads, pray for the Catholic Church of Christ, as well quick as dead, and especially for the Catholic Church of this realm; and first, as we are most bounden, for our sovereign lord, king Henry VIII., being immediately next unto God the only and supreme head of this our Catholic Church of England; and for the most gracious lady, queen Anne, his wife; and for the lady Elizabeth daughter and heir to them both, our princess; and no further.

Cotton. Lib.
Clasp. E. 2.
num. 386.

"Item. The preacher, in all other places of this realm, except in the presence of the king's highness and the queen's grace, shall, in the bidding of the beads, pray first in manner and form, and word for word, as is above ordained and limited; adding, in the second part, for all archbishops and bishops, and for all the whole clergy of this realm, and specially for such as it shall please the preacher to name of his devotion; and thirdly, for all dukes, marquesses, and earls, and for all the whole temporality of this realm, and specially for such as the preacher shall name of his devotion; and finally, for the souls of all them that be dead, and specially of such as it shall please the preacher to name.

"Item. It is ordained that every preacher shall preach once, in his greatest audience, against the usurped power of the bishop of Rome, and so after at his liberty; and that no man shall be suffered to defend or maintain the aforesaid usurped power.

"Furthermore. To keep unity and quietness in this realm, it is ordained no preacher shall contend openly in pulpit one against another, nor uncharitably deprave one another in open audience; but if any of them be grieved one with another, let

them complain to the king's highness, or to the archbishop or bishop of the diocese, and there to be remedied, if there be cause why; and if the complaint be not true, the complainant to be punished. HENRY
VIII.

"Item. Also to forefend that no preacher for a year shall preach neither for nor against purgatory, honouring of saints, that priests may have wives, that faith only justifies, to go in pilgrimages, to forge miracles: considering that these things have caused a dissension among the subjects of this realm, which, thanks be to God! are now well pacified. 101.

"Item. That from henceforth all preachers shall purely, sincerely, and justly preach the Scripture and word of Christ, and not mix them with man's institutions, nor make men believe that the force of God's law and man's law is like; or that any man is able, or hath power to dispense with God's law.

"Item. It is also ordained that the declaration of the sentence, which has been used in the Church four times in the year, shall not from henceforth be published, nor esteemed in any point contrary to the pre-eminence and jurisdiction royal of our king and his realm, or laws and liberties of the same; and any so doing shall be competently punished by the bishop of the diocese. And this throughout the realm and dominions of our sovereign.

"Item. It is also ordained that the collects for the king and queen be commonly and usually said, in every religious house and parish church, in all their high masses throughout all the realms and dominions of our king and sovereign.

"Item. It is further ordained, that wheresoever the king's just cause of matrimony has either been detracted, and the incestuous and unjust set forth, or in places where it has not been dilated, that in all those places, till the people be fully satisfied and justly instruct, all manner of preachers, whatsoever they be, happening to come into any such part of the realm, shall from henceforth open and declare the mere verity and justness of this latter matrimony, as nigh as their learning can serve them, and according to the true determinations of a great number of the most famous and esteemed universities of Christendom, according also to the just resolution and definition of both the convocations of this realm, concurring also in the same opinion, by the whole assent of parliament, our prince,

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the lords spiritual and temporal, and commons of this realm. Wherefore now they must declare this matter neither doubtful nor disputable, but to be a thing of mere verity, and so to be allowed in all men's opinions.

"Item. It is further ordained, that the aforesaid preachers shall also declare the false and unjust handling of the bishop of Rome, pretending to have jurisdiction to judge this cause at Rome, which, in the first hearing thereof, did both declare and confess in word and writing, the justness thereof to be upon our sovereign's side, insomuch as by a decretal delivered to the legate here then sitting for the same cause, he did clearly determine, that if prince Arthur was our prince's brother, and then of competent age allowed in the law, when he married the lady Catharine, she being so likewise, and that as far as presumptions can prove, carnal copulation ensued between them, that these proved before the said cardinals and legates (which indeed were according to the laws justly proved), that then the unjust copulation between our sovereign and the said lady, that herein was neither lawful, nor longer to be suffered. And so 'eo facto' pronounced in the aforesaid decretal, the nullity, invalidity and unlawfulness of their pretended matrimony, which was by his law sufficient judgment of the cause; which decretal, by his commandment after, and because he would not have the effect thereof to ensue, was after the sight thereof embezzled by the aforesaid cardinals, and one, which then was here his cubicular, contrary to all justness and equity, wherein he has done our sovereign most extreme wrong.

"Secondly. Contrary to all equity and determinations of general councils, he hath called the cause (which ought to be determined here) to Rome, where our sovereign is neither bound to appear nor send proctors: and yet hath he detained wrongfully the cause there these three or four years, at the instance of the other party which sued to have it there, because they know he durst not displease the emperor who makes himself a party in it, as by the sequel it doth evidently appear. And so could our prince get no justice at his hands, but was wrongfully delayed, to no small hinderance both to his succession, and this his realm's imminent danger.

"Thirdly. Whereas it is a natural defence, that the subject may and ought to defend his natural sovereign or master, both in word and deed, and ought thereto to be admitted, this

foresaid bishop of Rome, contrary to this equity in nature, hath rejected our sovereign's excusator, contrary both to his own laws (which he most setteth by) and also God's law which he ought to prefer. Upon which cause and other great injuries our sovereign did appeal to a general council: notwithstanding the which he has, contrary, to all justice, proceeded 'ad ulteriora,' wherein by a general council he is damned as an heretic, yet thus injuriously from the beginning hitherto he has handled other princes' cause and matter there.

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"Fourthly. The said bishop of Rome, since our prince's appeal, hearing of the laws and acts of parliament, which we then went about, and that our king having just ground (the premises considered) would provide, according to his bounden duty, both for the surety of his succession and the realm, gave out a sentence in manner of excommunication and interdiction of him and his realm: in which, when he was spoken to for the iniquity and unjustness thereof by our prince's agents, he and his council could, nor did otherwise excuse them (the fact being so contrary to all laws and right), but that the fault was in a new officer lately come to the court, who for his lewd doing should grievously be punished, and the process to cease. This they promised our prince's agents, which, notwithstanding, was set up in Flanders, to the great injury of our prince, and for partiality to the other part, as it may well appear by the foresaid sentence.

"Fifthly. The said bishop of Rome sought all the ways possible with fair words and promises, both by his ambassadors and our sovereign's own (which by any means could be invented), to have abused our prince and sovereign, which when he saw that by none of his craft our prince would be no longer abused with them, then sued he to the French king to be a mediator between our sovereign and him; declaring to him and his council that he would gladly do for our sovereign, allowing the justice of his cause, so that they would find the means that our sovereign would not proceed in his acts and laws till that were proved. And that he would meet him at Marseilles for the finishing thereof, for at Rome he durst not do it for fear of the emperor. The good French king admonished our prince hereof, offering him to do all the pleasure and kindness that lay in him in this cause, trusting that if the bishop of Rome came once to Marseilles, he should give

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sentence for our sovereign in his just cause, and therefore prayed our prince to be content with that meeting, in which he would labour for it effectuously, and so he did. To the which our prince answered, 'that touching the meeting he was content, but touching the forbearing the making laws, he prayed his good brother to hold him excused; for he knew well enough both the craft and delays of the bishop of Rome, by which from henceforth he would never be abused, and that likewise he feared he would abuse his good brother, which so indeed after followed: for after he had gotten the marriage of the duke of Orleans, he then promised the French king to give judgment for our master, provided he would send a proxy; which the said bishop of Rome knew well before that he neither would, nor was bound to do: yet notwithstanding his subtle imagination, his promise was to the French king that our prince sending a proctor, should there, before his departure, have judgment for him in the principal cause: for he openly confessed further that our master had the right. But because our prince and master would not prejudicate princes' jurisdiction, and uphold his usurped power by sending a proctor, ye may evidently here see that this was only the cause, why the judgment of the bishop of Rome was not given in his favour: whereby it may appear that there lacked not any justness in our prince's cause, but that ambition, vain-glory, and too much mundanity were the lets thereof. Wherefore, good people, I exhort you to stick to the truth and our prince, according to our bounden duties, and despise these naughty doings of this bishop of Rome, and charitably pray that he and all other abusers of Christ's word and works may have grace to amend."

By this order, we may perceive there were some advances made in the reformation, and that the pulpits had clashed upon this occasion.

*An overture
to close with
the pope.*

To go back a little. Upon the death of Clement VII., the king was willing to make another trial of the justice of that see. To this purpose new instructions were despatched to Sir Gregory Cassaly, to solicit the pope for better treatment: to consult further upon the case, and take the opinion of some learned Frenchmen. The pope seemed pleased with this application, and it is likely might have closed with the overture; but the king's executing several monks, and afterwards

More and Fisher, for denying the supremacy, disoblged that court, and brought them to extremities. And thus upon the arrival of this news, the pope proceeded to the excommunication already mentioned.

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VIII.

August 30,
1535.

Ld. Herbert,
p. 394.

*The king
endeavours
to strengthen
himself by
foreign
alliances.*

The king being advertised of this sentence, endeavoured to strengthen himself with foreign alliances. And here in the first place, he despatched his agents to the Protestant princes of Germany. The reason of so forward an application was because he had been informed, the pope had threatened to dispose of his kingdom to some Roman Catholic prince of the empire. His holiness, it seems, was unwilling to throw so great an addition upon the crowns of France or Spain, for fear of breaking the balance. I do not mention this as if the king were apprehensive of the success of such an attempt; for standing upon good terms with his subjects he was prepared to repel the attack. However, by fortifying his interest in Germany, he would be in the better condition to chastise the presumption of such an enterprise.

Id.

And because Scotland might confederate with the enemies of England, and strike in with an unlucky juncture, the king endeavoured to secure that quarter. To this intent, he sent his agents to James IV. to draw him into his own measures, and persuade the throwing off the pope's authority. They desired that prince to peruse the arguments which brought their master to his present resolution. The king of Scots referring the consideration of this matter to the clergy, the proposal miscarried. The king, not despairing of success, sent the lord William Howard, and the bishop of St. Asaph, to reinforce the overture, to make a further invitation with more tempting proposals, and solicit that prince to an interview. King James, who had no fancy to meet his uncle out of his own dominions, threw in excuses: and as it is said, procured a brief under-hand from the pope to forbid his journey into England. But notwithstanding the king of Scots could not be prevailed with to go king Henry's lengths, yet it seems there was so far an understanding between them, that the latter had no reason to be apprehensive of any unfriendly practice.

Id. p. 395.

Our king, being now determined against all accommodation with the pope, projected the weakening his interest at home as well as abroad. Now it was thought the monasteries might give him most disturbance in his designs; the privileges of

*The king
consults
about the
dissolution
of the
monasteries.*

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exemption made several of them more obnoxious to the see of Rome. They were looked on by some people as a body of reserve for the pope, and always ready to appear in his quarrel, and support his claims. Besides, there were a great many men of figure in these houses, who might prove troublesome with their learning and parts. These, it is likely, might be some of the motives which brought the king to a thought for dissolving the abbeys. This great point being under deliberation, there were speeches made at the board on both sides of the question.

Id. p. 396.

The first, after some introductive expressions of respect, delivered himself to this effect:

“ Sir,

*A speech
against the
suppression
of religious
houses.*

“ If the founding of monasteries was now proposed, I should neither allow the present number, nor possibly approve all the regulations in those societies. But, on the other hand, to disappoint people, unfit for the world, from so serviceable a retirement, is in my opinion no commendable project: for is not this the way to leave the most pious unprovided, and cut off the succours of a comfortable living from those who are best qualified for devotion? Therefore in my humble opinion, monasteries ought to be maintained for the benefit of a retired and contemplative disposition. However, when they exceed their just proportion in a state, or serve only for a shelter to idleness and insignificancy, some remedy should be thought on. But, Sir, who must be applied for this purpose? If the expedient is referred to the pope, what reformation can be expected? For though his holiness does not pay them, are they not, as it were, so many auxiliaries in his service? And if your highness, upon the strength of your supremacy, should proceed to a dissolution, what scandal would be given to the world! For who, either at home or abroad, would understand your highness? Who would think, Sir, you pursued your authority, or managed your new charge as was generally expected? And further, Sir, how would the founders of these houses be injured by such an expedient: the founders, who had as much right to dispose of part of their estates to such uses, as their heirs have to enjoy the rest? Would not this be construed an encroachment upon public right, and defeating a title which hath both human and divine law for its establish-

ment? Be pleased therefore, Sir, not to think of ruining, but reforming these societies. Or if the excessiveness of their numbers calls for a suppression of some of them, be pleased to remember the foundations were dedicated to God Almighty: and let this consideration prevail with your majesty to transfer the estates to some pious use: and that even here the matter should be managed with reservation: and a sufficient number of these religious houses be still maintained for both sexes in every county. And thus, by this temper, your highness will be screened from censure, and show your regard to antiquity and devotion."

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To this another gentleman, who was better acquainted with the king's mind, returned the following answer:—

"Sir,

"If it is true that the reducing all reasons of state under the regulation of moral and religious principles is a straight-laced and cross-humoured direction, so, on the other hand, to exclude morality and faith from having any sway in politic measures is a profane latitude. The public has occasion for all these assistances: but then where the body requires a symmetry, nothing must exceed proportion. Thus all professions, both sacred and civil, should be well balanced; and neither the magistracy or clergy, the soldiery or merchants, the men of trade or husbandry, should run out into excrescence, or grow too numerous for the other divisions. To come towards an application: the government must have people to work and fight, as well as to pray and to preach for it. If there was nothing of this necessity, who would not change the temporal into the spiritual militia? At this rate our generals and captains should be made bishops and deans, and our men-of-war and forts be turned to chapels and religious houses. But since this scheme is too visionary, we are to consider what proportion the clergy hold to the rest of the subjects. Now, unless I am misinformed, the revenues of the fourth part of the kingdom are in their hands. However, Sir, I am not for a general suppression of religious houses: I own the pious design of their institution; and more than that, I believe the leaving two or three of them in a county may be useful enough. I am by no means for any unnecessary steps this way; and humbly conceive, the money accruing from thence should be employed only

Another
for it.

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upon your highness's most urgent occasions. The supernumerary part of these houses and your forests being, in my opinion, of the same serviceableness, I look upon them as the jewels of your kingdom: it is granted they have neither the metal nor the impression of current money; but, notwithstanding that, they may be turned to coin whenever your majesty pleases. For this reason, if there was no other, I should advise the preserving them as much as it is possible. But, Sir, on the other side, when I consider how the pope, or the bishop of Rome, (as your highness has ordered him to be called,) when I consider how this prelate has menaced your highness, how he makes it his business to draw all the princes of Christendom upon you; how deep these monasteries are in his interest, and how factiously they contest your supremacy: when I consider the disaffection of these seminaries, and how instrumental they may prove in disturbing the government, promoting a revolt, and striking in with a foreign invasion, I cannot help wishing some method might be taken by way of prevention. To this purpose, I humbly conceive a visitation would be a proper remedy: and that those who visit should be authorized to discharge those religious, who find their vows too much for them; to open the cloister, to suit their tempers better, and give them the freedom of the world. That the immoralities of others who want this excuse should be put under discipline: and that, for the future, those who arraign the government may be under correction, and kept upon their good behaviour: and thus far your highness may fairly make use of your supremacy; but as for the suppressing any monasteries, I dare not suggest any such advice; nothing but some very strong and apparent necessity can justify such measures. If your highness can stand your ground, and defend yourself against foreign insults, I shall never recommend a dissolution. And if such a thing should be attempted by the extremity of the juncture, I humbly conceive your majesty should go no further in the expedient than to proportion the fortunes of the spirituality and temporality, and bring your kingdom to an even balance."

*The king
orders a
visitation
of the
monasteries.
Id. p. 398.*

The king, having weighed the reasons of both these privy counsellors, declared he would give order for a strict visitation: that there should be no commutations allowed, but that those

who had misbehaved themselves to any remarkable degree should be severely punished, and that rules should be set for reformation; protesting, withal, that none of them should be suppressed without the consent of the parliament. This protestation was, as the lord Herbert observes, politically made: the king foresaw his reputation would not be risked, nor his hands tied by such a conditional promise. As things stood, he had little reason to question the concurrence of the parliament: he was sensible the doctrines of the court of Rome were much disrelished; and, besides, if the storm should break over them, and the kingdom be forced upon a war, the parliament would sooner choose to lay the whole charge upon the monasteries, than take part of it themselves.

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And since the reports from the visitation were likely either to promote or obstruct the dissolution, the success of the affair depended very much upon proper instruments. Now the king thought no person better qualified than secretary Cromwell: he was looked on as disaffected to the monasteries, and somewhat inclined to the Lutheran persuasion. This minister, to qualify him for his function, was made vicar-general. In virtue of this commission, he was constituted general visitor of all the monasteries; not to mention his superintendency over the bishops and secular clergy.

Cromwell
made visitor-
general.

104.

Our learned Church historian takes notice of a mistake in confounding this "vicar-generalship with his following dignity of lord vice-gerent in ecclesiastical matters; but they were two different places, and held by two different commissions. By the one he had no authority over the bishops, nor had he any precedence; but the other, as it gave him the precedence next the royal family, so it clothed him with a complete delegation of the king's whole power in ecclesiastical affairs." Thus far this learned prelate. But then he is not pleased to give us any proof of this distinction, or the enlargement of power in the latter office. He owns neither of the commissions were enrolled, and charges this defect of evidence upon a supposed rasure of records in the reign of queen Mary. But as it happens, this commission of Cromwell's is still extant. Now, by inspecting this instrument, it appears that Cromwell, by being made vicar-general, had an entire delegation of the king's supremacy: that he had an authority to visit all the bishops and archbishops in the kingdom: and that vicar-general and

Bp. Burnet,
Hist. Re-
form. pt. 1.
p. 181.

See Records,
num. 30.
Vicar-gene-
ral and lord-
vicegerent
the same
office.

CRAN-
MER,
Abp. Cant.

Bp. Burnet,
Hist. Re-
form, pt. 2.
p. 341.

*Cromwell
authorized
to constitute
deputies for
a general
visitation.*

vice-gerent were only two names for the same thing. When this learned historian wrote his second part, he met with Cromwell's commission for vicar-general: but then he was not so fortunate as to recollect himself, and acquaint the reader with his former mistake.

To proceed: Cromwell being authorized by the king's letters-patent, under the broad seal, to constitute deputies for a visitation, made choice of Richard Layton, Thomas Legh, William Petre, doctors of the law; doctor John London, dean of Wallingford, &c. for this purpose.

This visitation was suggested by doctor Leighton, or Layton, who had been in the cardinal's service with Cromwell, who knew him to be a person well qualified for such an employment. This Layton, in a letter to Cromwell, acquaints him that he had discoursed the dean of the arches upon this business: that the dean thought the country was not yet prepared for a visitation in the king's name; that they ought to wait two or three years, till the supremacy was better understood; and that he was afraid so early an exercise of discipline might make the clergy more averse to the king's power. But Layton was of a different sentiment: he thought nothing would so much reconcile the people to the supremacy as the proof of its serviceableness, which would easily appear upon a strict visitation: he pretended the religious were now grown remarkable for their misbehaviour; and that the reformation of abuses would be a popular thing. He added, there had been no visitation in the north since the cardinal's time. This Layton, in another letter to Cromwell, requested that himself and doctor Legh might be appointed visitors of all the monasteries from the diocese of Lincoln, northward.

And here, to recommend himself to this minister, he acknowledges that doctor Legh's and his being preferred to the king's service, was wholly owing to Cromwell: that this vicar-general had been their patron all along, and that they resolved to have no other. He proceeds to suggest, how well qualified doctor Legh and himself were for this business, upon the score of their own knowledge, their acquaintance and relations in the northern counties. He intimates the partiality of former visitors, and that those houses would need a very careful and particular inspection. In short, both by recommending himself and Legh, and declaiming against the disorders of the

Biblioth.
Cotton.
Cleop. E. 4.
Id. fol.
June 4.

*Layton and
Legh solicit
to be made
visitors.*

monks, he seems very forward for this employment : but this, HENRY
VIII. by the way, is none of the best circumstances to conclude him a disinterested person.

About this time, the archbishop of Canterbury made his metropolitanical visitation ; he did not venture upon this branch of jurisdiction without the king's licence ; for now the bishops could do little without an authority from the crown. And notwithstanding the archbishop took wary steps, and made but a few new demands, yet Stokesly, bishop of London, contested his visitation ; and refused to submit till he had entered three protestations for preserving of privileges.

*The arch-
bishop takes
a licence
from the
king for his
visitation.
Rot. Pat.
Regn. 27.
pt. 1.
Regist.
Stokesly,
fol. 44.*

But this was not all, for he made a formal appeal to the king for relief against the encroachments of the archbishop.

This appeal, drawn up in the name of the bishop, dean, and chapter, sets forth, "First. That the archbishop of Canterbury, in all his monitions and writings sent to the bishops, abbots, &c. called himself 'apostolicæ sedis legatus.' That the bishop of London, with the chapter, remonstrated and protested in form against this style, and that they would not receive him as legate, nor obey his visitation under that character ; the claiming such an authority being contrary to the prerogative royal, and the statutes of this realm.

*Cotton.
Libr. Cleop.
6. F. 2.
fol. 124.
Bishop
Stokesly's
appeal
against the
archbishop's
visitation.*

"Secondly. That the archbishop, in the said monition to the bishop, signified his intention of suspending all the jurisdiction of the bishop, the dean, and archdeacons, during the whole time of his visitation, which he pretended he had power to continue as long as he pleased : that by so great a stretch of metropolitanical privilege, the provincial bishops would be lessened to titulars, and signify nothing : that this would be an intolerable inconvenience, and such as never was claimed by any metropolitan or legate, when the usurpations of the court of Rome were at the greatest height.

"Thirdly. It is urged in the appeal, that the pushing the metropolitanical jurisdiction thus far, is to go counter to the authority of all the learned in the canon law ; that such a suspension put upon the bishops, seems to clash with the Holy Scriptures, and to recall the authority given them by God Almighty.

"That if there were a precedent of any such strain of the archiepiscopal character upon record, it was supported upon a pretence foreign to their ordinary authority, and put in ure

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upon the score either of their being legates, or lord chancellors of England."—The appeal is drawn out into a further length, but this is the substance.

*A regal
inhibition to
suspend the
jurisdiction
of the
bishops.*

And now the time for the other visitation drawing on, the king issued out letters of inhibition to the archbishop of Canterbury, charging him and his suffragans not to visit the clergy or religious, till the regal visitation was over; meaning that which was to be managed under the vicar-general, Cromwell. And thus all episcopal jurisdiction was laid asleep, and almost struck dead by the regale, during the king's pleasure. The archbishop of Canterbury directed his mandate to the bishop of London, who was to transmit copies of the inhibition to the rest of the provincial bishops.

See Records,
num. 31.

105.
October.
*The extent
of Layton's,
Legh's, &c.
commission.*

The next month Layton, Legh, London, Souwell, Price, Gage, Bellasis, &c. began their general visitation under Cromwell: they were furnished, at least some of those first named, with a plenitude of power to visit all archbishops, bishops, and the rest of the inferior clergy, and to correct and reform, and exercise all manner of discipline which belonged to ecclesiastical jurisdiction; they had likewise an authority to confirm or null the elections of prelates, to order instalments, to give institutions and inductions, to sequester the fruits of livings, to deprive or suspend archbishops, bishops, &c. to convene synods and preside in them, and to make such reformatations and orders as they should think expedient. They had likewise an authority for trying all ecclesiastical causes, and exerting the censures of the Church upon those who either refused to appear or abide by the sentence. And as to monasteries, they had, as it were, an unlimited authority, and were impowered to allow pensions to such as were disposed to quit that way of living.

See Records,
n. 30.

Legh and John Apprice, being apprehensive the bishops would use their interest to get the inhibition of their jurisdiction taken off, wrote to the vicegerent Cromwell to disappoint them in their attempt. In the letter they suggest several reasons why the inhibitions should continue.

Biblioth.
Cotton.
Cleopatra,
E. 4.
fol. 255.

"First. That the king always looked upon himself as supreme head of the Church, notwithstanding it had been but lately added to the regal style: it is our opinion therefore, that if the king made a temporary seizure of all spiritual jurisdiction,

it would confirm the subject in the belief of his right and prove a serviceable precedent.

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"Secondly. That in case the bishops had always enjoyed this jurisdiction without any interruption, they would (as they now do upon the matter) have presumed they had received their authority from some other fountain than the king's highness. These visitors therefore look upon it as a prudential expedient to suspend their jurisdiction for some time, that by this means they may be forced to confess their authority flows from the king." They proceed and argue further upon Erastian principles. "If (say they) the bishops have any jurisdiction, they must receive it either by virtue of the law of God, or by the bishop of Rome's authority, or by the king's permission. If they say by the law of God, let them produce their proofs from Scripture, but we think them not so impudent as to say so.

"If they say by the bishop of Rome's authority, let them exercise it still, if they think it convenient.

"If they say by the king's permission, why should they be disturbed at the inhibition? Why should they be dissatisfied at the king's resuming that authority which was no more than a voluntary grant and proceeded originally from him? They proceed in their argument, and object that possibly the bishops will argue upon the topic of prescription and immemorial custom: to this they answer, that though this assertion contradicts the language of the law, yet, in the opinion of these visitors, the bishops might in time have prescribed, if the exercise of their authority had continued; and therefore to cut them off from this plea, they thought it best to put a stop to this jurisdiction, and that this may serve to justify the inhibition. For had not their authority been laid asleep during the king's visitation, their successors might pretend the king was only a titular and nominal head of the Church, but had no right to put his claim in execution.

"They urge further, if the bishops claim authority by divine right, let them show their evidence; but if they pretend only to hold it of the king's favour, let them address his majesty that they may have it returned, that by so doing both themselves and all others may declare the king to be the fountain of all power within the realm, and that all kind of jurisdiction is derived from him; and that during the regal visitation they may execute only the necessary branches of their function, (if

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they can show any to be such) as the king's commissaries and Cromwell's."

Biblioth.
Cotton.
Cleop. E. 4.

To proceed: for the visitors' better direction in this new office, they were furnished with instructions to make their inquiry; these were drawn up in eighty-six articles: the substance of them was to examine,

*Instructions
or articles of
inquiry for
visiting the
monasteries.*

"Whether divine service was kept up day and night at the right hours? How many were commonly present, and who were frequently absent?"

"Whether every religious house was furnished with a full number, pursuant to the statutes of the foundation? Who were the founders? Whether the original settlement has been enlarged since the foundation, and to what degree? What were the revenues of the house? Whether it was ever changed from one order to another? By whom? And upon what account?"

"What mortmains they had? And whether their founders were legally authorized to convey such estates?"

"Upon what suggestions, and for what causes their exemptions from their diocesans were procured?"

"Their local statutes were also to be examined.

"The election of their respective heads, whether abbots or priors, abbesses or prioresses, was to be inquired into, and the rule of every house inspected. And here the instructions directed a view of how many were professed? How many novices were in the house? And whether the novices were professed within due time?"

"Whether they were acquainted with their rule and kept it, especially in the three principal branches of poverty, chastity, and obedience? Whether any of them made use of any money or plate, without the master's knowledge or leave?"

"Whether they conversed with women, either within the monastery or elsewhere? And whether the head, or any brother, be suspected for incontinency, and blemished in his reputation upon that score? Whether women came into the monastery by any back ways, or otherwise, or whether they were lodged within the precinct of the same? Whether the master, or any of the convent, had any boys lying with them?"

"Whether they kept silence in the church, cloister, and dormitory, at the hours appointed? Whether they observed the discipline of fasting and abstinence, pursuant to the orders and customs of the house? And particularly, whether they abstained from flesh, in Advent, and other times prescribed by their rule? Whether they made use of woollen shirts and sheets? Or had any constitution or dispensation for liberty in these matters? Whether any of the brothers quitted the house, and removed to another of the same order, without letters of leave from the abbot or prior? And where any have been received without such recommendation? Whether any of the brothers have deserted the cloister, and rambled about the country? And whether the cruelty or negligence of the master occasioned this disorder? Whether the master was guilty of partiality or disaffection to any of the convent? And whether he was not excessive in his discipline and corrections? 106.

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"Whether the brothers wore their proper habits, without running out towards expense and equipage?

"Whether any of the religious were incorrigible. Whether the master treated his brethren fairly under sickness and infirmity, and provided physicians and other necessaries for them? Whether the master passed his accounts fully once a-year? Whether all the other officers gave the same proof of their conduct and integrity? And whether the revenues of the house were spent as the founder intended?

"Whether the monastery, and all the granges, farms, and tenements, were kept in sufficient repair?

"Whether they had an inventory of the jewels, relics, ornaments, money, plate, furniture, and all other goods and chattels belonging to the house?

"Whether the monastery was indebted? To whom? And upon what account?

"Whether any of the lands were sold, mortgaged, and for how much money?

"What leases were made to farmers? And for what term? And whether the annual rent was lessened to increase the fines?

"Whether the master compelled the convent to consent to the sealing of any leases, annuities, corrodies, or other alienations?

CRAN-
MER,
Abp. Cant.

“Whether the plate, jewels, or any other goods belonging to the house were pawned or sold, or otherwise embezzled? And for what cause? And to whom?”

“Whether the master conveyed any farms, corrodiess, &c. to his friends and relations? Whether he passed any grant, or made use of the convent seal without the consent of his brethren?”

“Whether the convent seal was kept under three keys; one in the custody of the master, and the other two in the hands of two of the seniors?”

“Whether the charters, evidences, and records of the house are well laid up, and preserved from decay?”

“Whether the master maintains the customary hospitality in proportion to the revenues of the house? Whether he has taken bribes for receiving novices? And whether he has refused any for want of a gratification? Whether the novices are furnished with a master to teach them grammar and other parts of learning? And whether any senior of the house be particularly appointed to inform them in their rule and behaviour? Whether any of them have undertaken the profession out of an ambitious view, and in hopes of being head of the house?”

“Whether the master has charged the presentee to any benefice with any pension, or brought him to a simoniacal contract? How many benefices the master keeps in his own hands? And whether they are appropriated, and annexed to the house by sufficient authority? Whether the master distributes his charity amongst the parishioners of the appropriations, and performs the conditions mentioned in that settlement?”

And here they were to exhibit the deeds of the appropriations, together with the erection and endowments of the vicarages.

Further: They were to inquire, “Whether the master presented such clerks to the benefices of the house as were well qualified with respect to learning, probity, and discretion?”

“Whether any brother of the house supplied the cure of any of their appropriated churches? And how many of the convent were thus employed?”

“Whether the master of the house holds any benefice with cure, or other dignity with his abbey? If he did, he was to

show his dispensation? Whether any person, since his being master, was conscious of his lying under the censures of suspension or excommunication? If he did, whether he presumed to sing mass before absolution?

HENRY
VIII.

The remainder of the instructions relates to the nuns. *Instructions for the nunneries.* Here the visitor was ordered to walk round the monastery, to examine the building of the house, and see whether there are any back passages, or private ways of getting in: and, for better information, he was to take the abbess and two or three of the eldest nuns along with him: these were to be asked, "Whether the gates of the monastery were locked every night? Whether the abbess or any of the elder sisters kept the keys? it not being safe to trust them with the younger.

"Whether strangers, both men and women, converse frequently with the sisters of the house without leave from the abbess or prioress.

"Whether this is done in private, when none of the sisters are in company?

"Whether any sister of the house was compelled to take the veil by the abbess or her own relations?

"Whether any of the sisters walk beyond the precinct of the house without special leave from the abbess or prioress?

"Whether any sister, when out of her cell, appears always in her habit?

"How they employ their time out of the hours of divine service?

"Whether any sister converses familiarly with monks, secular priests, or laymen not nearly related to her? Whether any sister has been discovered to entertain any such suspicious commerce, without any reasonable cause for so doing?

"Whether any love-letters are written or received, or any private messages or presents are conveyed to the sisters from any secular person or others?

"Whether any of the sisters make it a custom to talk with any person by night or day, at grates or back-windows, without leave from her superior?

"Whether the confessor of the house be a person of learning, probity, and discretion? And whether he has always had the reputation of being thus qualified?

CRAN-
MER,
Abp. Cant.

“How often in a year the sisters of the house used to confess, and receive the holy eucharist?”

“And lastly, to put the visitors in a condition to discharge their commission more effectually, they were required to produce all their charters, evidences, inventories, and writings of what kind soever.”

*The method
used in
elections of
abbots, &c.*

By these instructions, the government of the religious houses may be in a great measure collected, and their discipline and manner discovered. Now, because one article concerns the election of their superior, I shall insert something extracted from the bishop's register upon this subject.

Regist.
Fitzjames,
fol. 66. 114.
See Records,
num. 32.

To begin: Upon the vacancy of an abbey, or hospital, application was made to the founder to proceed to a new election. After the election was made by the house, the patron consented to it, and then wrote to the bishop to confirm the whole proceedings.

Tunstal's
Regist.
fol. 57.
See Records,
num. 33.

At the confirmation of the elect, the abbot or prior took an oath of canonical obedience to the bishop of the diocese.

To be somewhat more particular: when the elect was presented to the diocesan, the bishop ordered the apparitor to summon those who had any thing to object against the election, affixing a paper to the church-door of the priory for that purpose. If nobody appeared within so many days, the bishop proceeded to confirm the election, and put the government of the house into the hands of the superior. Upon which, the abbot or other head took the oath to the bishop above-mentioned. The oath taken by Isabel Sackville, the last prioress of Clerkenwell, is entered in English, and runs in this form:—

*A prioress's
oath of
canonical
obedience to
the bishop.
Tunstal's
Regist.
fol. 46.*

“In the name of God. Amen. I, dame Isabel Sackville, elect and confirmed prioress of the house and priory of our Blessed Lady of Clerkenwell, of the diocese and jurisdiction of London, promit and swear upon this holy Evangelists here bodily touched by me, before you Mr. Jeoffry Wharton, doctor of decrees, and vicar-general to the reverend father in God, lord Cuthbert, bishop of London, founder and patron of the said priory, and mine ordinary and diocesan, that from henceforth, as long as I shall be prioress of the said house and priory, I shall give due reverence, obedience, and subjection to

the said reverend father, lord Cuthbert, bishop of London, now being; and also to his successors, lawfully succeeding, and their spiritual officers, in all lawful things and commandments: and also that I shall save and keep the goods of the said house or priory, and defend, maintain, and recover the rights thereto belonging, to the best profit of the same, as far forth as I can, or shall be able to do; and that I shall not grant no fees, nor corrodies, nor make none alienations or dilapidations thereof, or goods belonging to the same house or priory, to the great hurt or damage thereof. So God me help, and this book, and the holy contents of the same," &c.

HENRY
VIII.

After the taking this oath, she was installed by the chaplain of the house, pursuant to the bishop's mandate.

See Records,
num. 34.

In the Ordo Romanus there is an office for the consecration and instalment of an abbess, which, in regard it was composed by Theodore, archbishop of Canterbury, we may conclude it was used in England, and therefore I shall transcribe it for the reader. To this I shall subjoin the form for consecrating a nun.

And here it may not be improper to observe, that the English nunneries chose their general or ordinary confessor, which election was confirmed by the bishop.

Regist.
Fitzjames,
fol. 40.
See my
Eccles. Hist.
pt. 1.
Morery's
Dictionary.
The Supple-
ment to
Morery,
article, "Re-
ligious."

I have mentioned the original of the monastic institution elsewhere, and given an account of the several orders in England; I have likewise related the reformations in these societies: for this reason I shall waive the repetition. But the rule of the Benedictines having not been already observed, I shall give it the reader: for this order being the ancientest since the Saxons, and the later fraternities going mostly upon their plan, a brief recital may not be unacceptable.

First, as to the hours of prayer in the chapel: they were obliged to perform their devotion seven times within the four-and-twenty hours. They are commonly ranged under these distinctions:—

The Bene-
dictine rule.

First, at cock-crowing, or the nocturnal. This service was performed at two o'clock in the morning. The ground for pitching upon this hour is taken partly from David's saying, "At midnight I will praise the Lord," and partly from a Ps. 119. 62.

CRAN-
MER,
Abp. Cant.

tradition of our Saviour's rising from the dead about that time.

Secondly, matins. These were said at the first hour, or, according to our computation, at six o'clock. At this time the Jewish morning sacrifice was offered. The angels likewise are supposed to have acquainted the women with our Saviour's resurrection at this hour.

Thirdly, the tierce, which was at nine in the morning, when our Saviour was condemned and scourged by Pilate.

Fourthly, the sexte, or twelve at noon, when our Saviour was crucified, and the sun eclipsed to a total darkness.

Acts 3. 1.

Fifthly, the none, or three in the afternoon. At this hour our Saviour expired; and, besides, it was a time for public prayer in the Temple.

Concord.
Regular,
Collected
by St. Beno-
dict, and
published
with a
Comment,
by Friar
Ænard,
1638.
Fuller,
Ch. Hist.
book 6.
p. 287. et
deinc.

Sixthly, vespers. These were said at six in the afternoon. The reason for the time is, because the evening sacrifice was then offered in the Jewish Temple; and our blessed Saviour is supposed to have been taken down from the cross at this hour.

Seventhly, the compline. This service was performed after seven, when our Saviour's agony in the garden was believed to begin.

The monks, going to bed at night, had six hours to sleep before the nocturnal began; neither, if they went to bed afterwards, was it reckoned a fault, as far as I can discover; but, after matins, they were not allowed that liberty.

To proceed: at the tolling of the bell for prayers, the monks were immediately to leave off their business. And here the canon, it seems, was so strict, that those who copied books, or were clerks in any business, and had begun a text letter, were not allowed to finish it. Those who were absent, and employed in the business of the house, were reckoned present as to excuse and duty; and, that they might not suffer by being elsewhere, they were particularly recommended to the Divine protection.

The monks were obliged to go always two together. This was done to guard their conduct, to prompt them to good thoughts, and furnish them with a witness to defend their behaviour.

From Easter to Whitsuntide, they dined at twelve and

supped at six. In this interval, the primitive Church observed no fasts. HENRY VIII.

At other times the religious were bound to fast till three o'clock on Wednesdays and Fridays. The twelve days in Christmas were excepted in this canon. Tertul. de
Coron.
Milit.

Every day in Lent, they were enjoined to fast till six in the evening. During this solemnity, they retrenched their refreshment, and came to abatements in sleep and eating, and spent more time in their devotions. However, they were not to go into any voluntary austerities, without leave from the abbot.

They were not allowed to talk in the refectory at meals.

They were likewise to hearken to the Scriptures read to them at that time.

The septimarians were to dine by themselves after the rest. These septimarians were so called, because their office continued but a week: such as the reader, waiters, cook, &c.

Those who were absent about business, had the same hours of prayer prescribed them, though it may be not obliged to the same length of devotions.

Those sent abroad, and expecting to return at night, are forbidden to eat till they came home. But this canon was sometimes dispensed with.

The compline was to be solemnly sung about seven at night. The service concluded with this verse. "Set a watch, O Lord, before my mouth, and keep the door of my lips." After the compline, they were not allowed to talk, but to go to bed immediately. They were all to sleep in the same dormitory, but not two in a bed. They lay in their clothes. Small faults, only put them from the table; but for greater, they were barred religious commerce, or excluded the chapel; and here none was to converse with any person excommunicated, under the penalty of the same censure. Incorrigible criminals were expelled the monasteries. Ps. 141. 3.

When a brother was received after expulsion, he lost his seniority, and was placed the last in the convent.

Every monk was to have two coats and two cowls: and when they had new clothes, their old ones were given to the poor.

Every monk was to have a table-book, a knife, a needle, and a handkerchief. The furniture of their bed was a mat, a blanket, a rug, and a pillow.

CRAN-
MER,
Atq. Cant.

As to the abbot, he was to be chosen upon the qualifications of regularity and learning: but in more modern times, the senior brother was generally chosen by a majority. This superior was never to dine alone, but when there were no strangers, he was to invite some of the brothers to his table.

These are the substantial parts of the Benedictine rule: the rest, being less significant, shall be omitted.

To proceed: the visitors, at their return, gave in a tragical relation of the immorality of the monasteries. But whether their report was fair, and their testimony unexceptionable, I shall consider afterwards.

Bp. Burnet,
pt. 1. p. 186,
et deinceps.

At present I shall only examine some of the remarks of a late Church historian. This learned gentleman taxes them with encroachment upon the Church, upon the score of their exemptions; and that their excessive wealth and licentious behaviour made them a nuisance to the State.

The exemptions of the monks not so early nor so numerous as has been affirmed.

That their exemptions from their ordinary were unprimitive privileges, and prejudicial to episcopal jurisdiction, cannot be denied: and for this innovation the court of Rome must account, who were too forward to gratify princes and other solicitors in such requests. Our bishops sometimes complained of these encroachments, and made bold remonstrances to the pope himself. Thus in the reign of Henry II., Richard, archbishop of Canterbury, contested the exemption of the abbey of St. Augustine's, proved it a forgery, and had the authority of our best historians to support him in the dispute. And because the abbot of St. Augustine's, Canterbury, was countenanced by the see of Rome, the archbishop wrote a long letter to pope Alexander III., and declaims against invasions of this kind with great freedom and strength of argument. And as the exemptions were not so early, so neither were they so many as is commonly pretended. However, the learned Harmer, who makes Battle-abbey the first instance of an exemption, is mistaken: for not to mention the abbeys of Glassenbury and Malmesbury, those of Bury St. Edmund's and Westminster were undoubtedly exempted before the Conquest.

See my
Ch. Hist.
pt. 1. p. 337,
388.
Harmer,
p. 40.

See my
Ch. Hist.
pt. 1. under
the reigns of
Canute and
Edward the
Confessor,
and p. 286.

The revenues of the monks magnified beyond matter of fact.

Further, the monks are charged with possessing themselves of the greatest part of the riches of the nation: and that this was done about the end of the eighth century. Now the best part of the soil of England being in such ill hands, it was the

interest of the whole kingdom to have it put to better uses. But first, the period for their wealth is set much too high: for at the end of the eighth century, there were but few monasteries in England. It is true, in the tenth, eleventh, and twelfth centuries, their number and estates were mightily increased. Now if we take them in the highest of their fortune, they will not be found to exceed the proportion of a fifth part: but then even upon this calculation, a great abatement must be discounted: for the religious were far from making the most of their property, and straining their farms to rack-rents. On the contrary, they granted leases to laymen upon small rents, and gentle fines; so that upon a just computation, it may be truly affirmed, their revenues did not exceed the tenth part of the nation.

And as their being generous landlords cannot be denied, so the other branch of their charge which reflects upon their management, falls short of proof. For the monks are known to have made the most of their farms which they kept in their own hands: neither were they at all defective in the serviceableness of buildings, or other improvements.

To proceed: there is another heavier imputation laid upon the monks: they are charged with a crime of the most flagrant nature; that they were so far from any reserve or discretion in their licentiousness, "that some of their farms were let for bringing in a yearly tribute to their lusts." This charge is reported in such decisive language, that one would think the fact was beyond question: but Fuller, from whom the passage is taken, believes the story altogether improbable: he produces but a single instance, and has but an ill voucher for the report. His evidence was only Stephen Marshal, the Smectymnian divine. This man pretended to see an abbey lease with such a provision. But then, all things considered, his testimony deserves but little credit in such depositions.

Our learned Church historian observes, "the translation of the Scriptures in the vulgar tongue continued till the state of monkery rose: but when they engrossed the riches, it was not consistent with their designs, nor with the arts used to promote them, to let the Scriptures be much known." In disproving the severity of this accusation, I shall confine my remarks to our own nation. And here, as the learned Harmer observes, "we have the names of seven English monks who

HENRY
VIII.
Bp. Burnet,
Hist. Re-
form. pt. 1.
p. 187.
Id. pt. 2. in
Pref. p. 9.

Harmer,
p. 41.

A heavy
imputation
upon the
monasteries,
without
proof.
Bp. Burnet's
Hist. Re-
form. part 1.
p. 189.

109.
Fuller's
Ch. Hist.
p. 317, 318.

The Scrip-
tures trans-
lated by
several
English
monks.
Bp. Burnet,
pt. 1. p. 194.

CRAN-
MER,
Abp. Cant.

Harmer,
p. 43, 44.
See my
Ch. Hist.
pt. I. p. 126.

*The motives
which
governed
the king in
the dissolution.*

translated the Scriptures, or some part, into the Saxon language." These all of them lived before the Conquest, as by the version we may easily imagine. Particularly, the venerable Bede expired in translating St. John's gospel: and even after the Norman Conquest, the monks had no less a share in performances of this kind, than the secular clergy.

The motives which pushed the king upon these extraordinary measures of a dissolution, are said to have been partly the incomppliance of some of the religious in the cases of his supremacy and divorce. But this opposition was not general: for the greatest part of them went along with the current, and submitted to the orders of the government.

Another reason which swayed the king in this matter, was the prospect of a war with the emperor. This prince was then the most considerable at sea; he was possessed of the seventeen provinces, some of which were remarkable for naval preparations. The emperor had likewise considerable fleets to convoy the wealth of the Indies to his European dominions: now the king, perceiving the interest of trade extremely advanced upon the discovery of America, was willing to project a share for his own subjects: and thus for commerce and defence, he designed to fortify his ports, and make a great many new ones. This charge was too big for the revenues of the crown: and as for his subjects, he was loth to burden them with a tax proportioned to so great an occasion. In short, the suppression of the monasteries was thought the easiest way of furnishing the exchequer for this purpose. He had likewise a design of founding many more bishoprics: by such a new erection, the excessive largeness of some dioceses would be reduced to a reasonable compass. Thus the bishops' inspection would be more practicable, and the primitive plan better followed. Now to endow these bishoprics with a competent revenue, he intended to settle the estates of some of the monasteries upon them. But this noble scheme was but lamely executed, as will appear upon the course of this work.

Now to lessen the reputation of the religious houses, and make them fall unpitied, the king sent his visitors in the manner above-mentioned, to bring them to a strict account, and expose their misbehaviour.

*The provision
for
those dis-
charged the
monasteries.*

The commissioners exerted their powers to the utmost stretch, and were far from partiality in the inquiry: and thus

several monasteries sunk under the test. Some monks declared themselves weary of their habit, and begged for enlargement; they pretended themselves driven into retirement, and that they were professed before they understood their own inclinations, or arrived at the years of discretion: others complained there was no living upon the visitors' instructions: and thus when the houses were seized, the king ordered such to be discharged who were professed under four-and-twenty years of age; and that those who had lived longer when they turned religious, might have the liberty either to quit their profession, or remove to a larger house: that is, to one above the value of two hundred pounds per annum. They who chose to go into the world, if they were priests, had a habit allowed them, and forty shillings for a maintenance: as for the nuns, they were only furnished with a gown, but had the choice of going where they pleased. Some of them, by submitting to a surrender, got better conditions, and were allowed small pensions during their lives.

HENRY
VIII.Ld. Herbert,
pt. 1. p. 399.

Id.

Doctor Legh had a sole commission from Cromwell, the vicar-general, for a visitation at Cambridge; he brought with him some injunctions of his own for the government of the university. These regulations were supplemental to the injunctions lately set forth by the king.

By the first clause, the members of the university were bound to observe the statutes of that society, and of the respective colleges, provided they were not repugnant to these injunctions, nor to the common and statute laws of the realm.

No master or fellow was to receive any money or acknowledgment for the admission of any student.

The vice-chancellor, the proctors, and masters of colleges, were to bring in an inventory of the goods belonging to the university; a rental and survey of their estates; the charters and deeds of their privileges and endowments, together with the pope's bulls; all these records and instruments they were to bring in to the honourable Thomas Cromwell, or to his deputy; "*ipsius bene placitum in eâ parte expectaturi.*"

They were likewise enjoined to furnish a Greek or Hebrew lecture at the expense of the university.

They were obliged to say public mass for the prosperity of the king and his queen Anne; and that this service was to be performed in Great St. Mary's within a month next ensuing.

CRAN-
MER,
Abp. Cant.

These injunctions were to be read every month to the scholars of each college.

And lastly, if any member of the university should be guilty of acting contrary to the king's injunctions, or these annexed to them; that then the university was to give the court immediate notice of the offence: and make their report of such misbehaviour either to the king, the vicar-general, or his deputy. These injunctions were to be enlarged or mended as Cromwell thought fit. The instrument is dated October twenty-second, A. D. 1535, 27 H. 8.

These regulations being additional provisions, it may not be improper to mention some heads of the king's injunctions to which they relate.

His majesty begins with lamenting the ignorance and uncultivated condition to which the university was lately sunk. Secondly: he exhorts all the members to recover the Christian religion to its original purity and truth: and here he recommends their chancellor Cromwell, for their visitor. Thirdly: he commands them to renounce the pope entirely, and to submit to the regale as the highest authority under God Almighty. Fourthly: he encourages them to the study of languages, because things are not to be gained without the conveyance of words: or, as the instrument speaks, "*sensum alicujus rei non potest ille assequi, qui rudis est idiomatis quo traditur.*" Fifthly: they are enjoined to found two lectures, one for the Latin and another for the Greek language: and that the salary for the readers should be furnished by a joint contribution of the colleges. Sixthly: that no commentators

110. upon the Master of the Sentences should be publicly read; but that all lectures should be made on some parts of the Scripture. Seventhly: that all persons should have the liberty to read the Scriptures in their studies. Eighthly: that for the future, no member in the university should take any degree in the canon law. Ninthly: it was ordered, that the young students should read Aristotle, Rodolphus Agricola, Melancthon, Trapezuntius, &c., and that the studying Scotus, Burleus, Anthony Trombet, Bricot, Bruliferius, &c. should be forborne. Tenthly: all masters of colleges were to be sworn to these injunctions, with the reservation of a latitude, notwithstanding, to Cromwell, or his deputy, to add or alter at discretion.

Three days after doctor Legh published his injunctions, the colleges made their respective submissions; the masters and fellows signing an instrument to that purpose. The clause in which they renounce the pope speaks to this sense:—"We declare the Roman papacy has no foundation in holy writ, but stands purely upon human constitution; and that we will never consent that the pope of Rome shall exercise any authority or jurisdiction amongst us: and that we shall not treat him with the pompous titles usually given. We likewise promise to keep all the statutes of the realm, either made or to be made for extinguishing his authority"—with a great deal more to the same purpose.

HENRY
VIII.

To conclude: pursuant to these injunctions, the university surrendered all their charters, bulls, rentals, &c. to the king: the vice-chancellor and senior proctor took a journey to London, and put all their records in the hands of their chancellor, Cromwell.

Fuller's
Hist. of the
Univ. of
Cambridge,
p. 109,
et deinceps.

Having related the king's suspending the jurisdiction of all the bishops: it may be expected I should mention the taking off this restraint. It was recalled about this time: the reason assigned in the instrument for this relaxation is somewhat surprising. It was done, it seems, because Cromwell was employed about matters of state. Had this minister not been busy, he might have been sole ordinary for the kingdom; and the episcopal character in both provinces had, it may be, been disabled to insignificance for this whole reign.

See Records,
num. 41.

The king having now filled his exchequer, and put himself in a better condition to contest with the emperor, endeavoured further to prevent the storm, and keep that monarch from having any leisure to disturb his dominions. To this purpose, he despatched Fox, bishop of Hereford, to the Protestant princes in Germany. "This prelate finding them at Smalcalde, pressed them to a unity of doctrine with the English Church: that this would be the most solid ground for a lasting peace. That difference of opinions is oftentimes the occasion of confusions in the state: and of this the Anabaptists had lately been a lamentable instance. That the present juncture called loudly for the putting an end to all religious disputes, for now the pope pretended to call a council; but unless his master and the German princes were so happy as to agree in religious matters, the expedient of a council might prove very

December 6,
1535.
*The bishop
of Here-
ford's speech
to the Pro-
testant
princes.*

CRAN-
MER,
Abp. Cant.

unfortunate. For diversity of sentiments would prevent a mutual confidence, occasion clashing, and nothing would be done by common concert. That it was the pope's business to keep these controversies afoot, and hinder the princes of Christendom from coming to a right understanding with each other: and that he despaired of supporting his exorbitant pretensions any other way. That the king was sensible a fair and public debating the points in question might be serviceable to the Church: but then all imaginable care was to be taken that matters might be argued with freedom, and prevent the pope's being master of the dispute. And therefore it was the king's opinion a council should not be agreed to till the peace of Europe was better settled. That his majesty was desirous the true worship of God might be restored, and was willing to join his endeavours with them for that purpose. And, to make the matter more practicable, the bishop desired they would appoint a committee for a conference with him."

Stedius.
Comment.
l. 8.
Dec. 21.

The prince's
answer.

The Protestant princes, after some introductive commendation of the king, told the ambassador, that "their chief aim was to propagate the doctrine of the Gospel. That notwithstanding how much they had been misrepresented, they had no other view but the doing their duty. That the king's clearing his dominions of the tyranny of the bishop of Rome, was very acceptable news: that they were much obliged to his highness for putting them in mind of the mischiefs arising from diversities of opinion: but as for themselves, they were disturbed with no difference in belief: and were resolved to adhere to the doctrine of the Augustine confession. And as to the Anabaptists, they punished the incorrigible of that sect severely enough: besides, they were most numerous in those places where the reformation could not make its way. As to the pope's intriguing about a council, they were extremely glad his majesty was so well apprized of his design. It is true the pope's nuncio¹ was now in Germany, and promised a council at Mantua: that he had treated with the elector of Saxony upon this subject: that he discoursed as if it was the pope's privilege to convene this council; but they were of opinion, the kings and states of Europe would not allow him this claim; nor agree to his calling a council without their privity, to decide in matters of faith, and of the last importance. They return the king thanks for offering his concurrence, and pro-

Vergerius.

fess themselves ready to run the utmost hazards, rather than give over so glorious an undertaking. And, lastly, pursuant to the bishop's request, they order a committee to treat with him :—"but of the issue of this conference afterwards.

HENRY
VIII.

This year there was a primer printed in English ; it was drawn up, as appears in the admonition to the reader, by a single hand ; and printed with a patent of privilege. The admonition complains of several books that mislead the people in their application to the saints, made them believe their addresses before some images would be more particularly significant ; that they would deliver a certain number of souls out of purgatory, bring wicked men to reformation, and keep others in a state of grace. The saying the mass before the five wounds has this promise annexed :—

" Boniface, byshop of Rome, lay sycke and lyke to dye, to whome our Lord sent the arc-angel Raphael, with the office of the Masse of the Five Wounds, sayeng, ' Ryse and write this office, and saye it fyve times, and thou shalt be restored to thy health immediately. And what preeste soever shall say this office for himself, or for any other that is sycke, fyve times, the person for whome it is sayde, shall obteyne helthe and grace, and in the worlde to come (if he continue in vertue) everlastinge lyfe. And in whatsoever tribulation a man shall be in this lyfe, that he procure this office to be say'd fyve times for hym of a preeste, without doubt he shall be delyvered : and that it be say'd for the soule of the deade, anone as it shall be say'd and ended fyve tymes, his soul shall be ryd from paynes.' This hearynge the bishop, he dyd erecte hymself up in his bedde, conjuryng the angell, by the name of Almighty God, to tell hym what he was, and wherefore he came, and that he shoulde departe, without doing hym harm, who answered, that he was Raphael, the arc-angell, sent unto hym of God, and that all the premisses were undoubtedly true. Then the sayde Boniface confirmed the sayde office of the Fyve Wounds, by the apostolique auctoritie."

Here the author bestows some tragical expressions on the fondness and superstition of this fancy, and laments the ill-grounded and dangerous reliance upon such performances as these ; that several books of the lives of the saints, as the

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"Golden Legends," and others published by Eccius, Coctrus, and such highflyers, had given the people a wrong idea of the Christian religion, carried them to an excessive regard for the saints, and set God and his creatures too much upon the same level. Notwithstanding these divines made a distinction between *latría* and *dulia*, and appropriated the first to God Almighty, yet when they come to practise upon this doctrine in their prayers, they mismanage to that degree as if they had quite forgotten the distinction. Thus far the admonition.

The preface takes notice that it was customary for all Christians to learn the Ten Commandments, Creed, and Lord's Prayer by heart. That the settling this custom was a wise and providential appointment: for a thorough understanding of these comprehensive abstracts takes in all the necessary part of Christian knowledge, and since the compass of man's duty lies in so few words, nobody has any reason to complain that the way to happiness is tedious in the length, or hard to find.

The primer begins with an exposition of the Ten Commandments, and from thence proceeds to the Creed. Upon the article of our Saviour's descent into hell, hell is taken for the place of the damned. Upon the article of the Catholic Church, the power of the keys is said to be given to the Church in the person of St. Peter. Then follows a general confession, in which every person is directed to examine his practice by the Ten Commandments, to lament his failure in duty, and address to God for his pardon. Then are general instructions given how, and in what manner, we ought to pray. And here the following qualifications are required:—First. To prevail in our addresses, we must forgive those who have done us any injury. Secondly. We must pray with an humble confidence of success. Thirdly. The matter of our petition must be agreeable to the will of God. Fourthly. We must persevere in our applications, and not despond or grow weary. Fifthly. We must petition in the name of Christ, and rest upon his passion and merits. The book proceeds to a very pious and useful exposition on the Lord's Prayer: the petition of "give us our daily bread" is wholly expounded in a spiritual sense, the bread, as the book speaks, is our Lord Jesus Christ, which nourisheth and comforts the soul. In the salutation of the blessed Virgin by the angel Gabriel, the primer observes, the words import only a regard and honourable mention, and do not go so far as

prayer; however, the book supposes the blessed Virgin had some distinguishing privileges; that she was full of all goodness, and void of all evil, and delivered without any of the customary pains of childbirth. From hence the book proceeds to describe the duties of public and domestic relations; then follow several psalms, lessons, and short prayers; for instance, the Te Deum, the song of the three children, of Zacharias, &c., the Prime, and Hours, &c., the Vespers, and Compline; the seven penitential Psalms are next, and then the Litany, which being somewhat uncommon, I shall transcribe it for the reader:—

HENRY
VIII.

- “ Be mercifull to us, and spare us, Lorde. *Propitius esto.*
 “ Be mercifull to us, and delyver us, Lorde.
 “ From all synne, delyver us, Lorde.
 “ From all errour, delyver us, Lorde.
 “ From all yvell, delyver us, Lorde.
 “ From the crafty traynes of the divell, delyver us, Lorde.
 “ From the imminent peryll of synne, delyver us, Lorde.
 “ From the possession of devylls, delyver us, Lorde.
 “ From the spirite of fornication, delyver us, Lorde.
 “ From the desire of vain glory, delyver us, Lorde.
 “ From the uncleannesse of mynde and body, delyver us, Lorde.
 “ From unclene thoughts, delyver us, Lorde.
 “ From the blindnesse of the herte, delyver us, Lorde.
 “ From sodeyn and unprovided dethe, delyver us, Lorde.
 “ From pestilence and famine, delyver us, Lorde.
 “ From all mortal warre, delyver us, Lorde.
 “ From lyghtnyge and tempestious wethers, delyver us, Lorde.
 “ From seditions and schismies, delyver us, Lorde.
 “ From everlastinge dethe, delyver us, Lorde.
 “ By the privie mystery of thy holy incarnation, delyver us, Lorde.
 “ By thy holy nativity, delyver us, Lorde.
 “ By thy baptisme, fastyngs, and temptations, delyver us, Lorde.
 “ By thy painful agony in sweating blood and water, delyver us, Lorde.

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" By the paynes and passions on thy crosse, delyver us, Lorde.

" By thy dethe and buryenge, delyver us, Lorde.

" By thy resurrection and ascension, delyver us, Lorde.

" By the comynge of the Holy Ghoste, delyver us, Lorde.

" In tyme of our tribulations, delyver us, Lorde.

" In the tyme of our felicity, defend us, Lorde.

" In the hour of dethe, delyver us, Lorde.

" In the day of judgement, delyver us, Lorde.

" We synners pray thee to hear us, Lorde.

" That it mought please the Lorde to governe and leade thy holy Catholyke Church. We beseeche thee to here us.

" That thou vouchsafe that our byshops, pastors, and ministers of thy Church, may in holy lyfe, and in thy sound and
112. holy Worde, fede thy people. We pray thee to here us.

" That thou vouchsafe that all perverse sects and sclaunders may be avoided. We pray thee to here us.

" That thou vouchsafe that all which doe erre, and be deceyved, may be reduced into the way of verite. We pray thee to here us.

" That thou vouchsafe that we may the devyl with all his pomps, frushe and trede under foote, we pray.

" That thou vouchsafe to send us plentie of faythful workmen in thy harvest. We pray thee to here us.

" That thou vouchsafe, Lorde, to gyve the herers of thy worde, lyvely grace to understand it, and to worke thereafter, by the vertue of the Holy Ghost, we pray thee.

" That all extreme povertie thou please, Lord, to reconforte. We pray thee to here us.

" That they which are weyke in vertue, and soon overcome in temptation, thou of thy mercye wilt helpe and strengthen them. We pray thee to here us.

" That you vouchsafe to give universal peace amonges all kings and other rulers. We pray thee to here us.

" That thou vouchsafe to preserve our moste gracious sovereign lorde and kynge, Henry the eyghte, his moste gracious quene Anne, all their posterite, ayders, helpers, and true subjects. We pray thee to here us.

" That our ministers and governours may vertuously rule thy people. We pray thee to here us.

" That thy people in affliction or in peryl, and daunger by fyre, water, or lande, thou wilt vouchsafe to defende and preserve. We pray thee to here us. HENRY
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" That temyng women may have joyful spede in their labour. We pray thee to here us.

" That all yonge orphantes and sycke people, you please, Lorde, to noryshe and provide for. We pray thee to here us.

" That all being captive or in prisons, thou wilt send delivrance. We pray thee to here us.

" That unto all people, Lorde, thou wilt shewe thy inestimable mercy. We pray thee to here us.

" That thou wilt forgyve all warryars, persecutors, and oppressours of thy people, and to convert them to grace. We pray thee here us.

" That the frutes, Lord, on the earth may give good encrease, and that thou wilt conserve them. We pray thee.

" That thou, Lord, wilt here our prayer. We pray thee.

" O the very Son of God. We pray thee to here us.

" O Lambe of God, which takeste away the synne of the world: have mercy on us.

" O Lambe of God, which takeste away the synne of the world: have mercy on us.

" O Lambe of God, which takeste away the synne of this world; gyve peace and rest unto us.

The Versicle.

" O Lord, here thou my prayer.

Th' Aunsuer.

" That my callynge may come to thyne ears.

The Coletts or Prayers.

" O omnipotent and merciful God, the Father eternal, which dost not despise us synners, bewaylyng with contrite herte, for offending thy hye majestie, we pray thee by thy grace and mercy to draw us nere to thee, to here our prayers, to forgyve us our offences, and conforte us in our afflictions. And forgyve, Lord, them that oppress us. And that our ghostly enemy have no power to devoure us (as he desyreth), but that we may strongly withstand his fraudes and snares, to our confort, that

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we may die in the very true Catholyke faythe, and reste with thee eternally, our Lorde Jesu Christ. So be it.

The Versicle.

"We have synned with our forefathers.

Th' Aunsweere.

"Iniquite have we wrought with unjoste lyvingye.

"Lord God, which doste not suffre synners to peryshe and die in their works, but rather wilt that they shall convert and lyve, we humbly pray thee to forgive us now, while we have time and space. And give us grace that we do not abound in synne, nor in iniquite no more, lest thou, Lord, be wrathe with us. And mekely we pray the Lord to open the verite of our true catholyke faith, and destroy all antichrists with all their jugelynges and crafty scismes which doth so sore oppress and daunger thy people to dampnation, (seace this scisme, Lorde,) and that thy moste holy wordes of thy Gospelles may plentifully be preached, without crafte or dissimulation: which beareth with it thy holy Spirit and lyfe, to conforte all that hunger or thyrste to drynke thereof, by the vertue of our Lorde Jesu Christ. So be it.

"O most hye and mightie Lord God, and kynge of peace, which whan thou tokest thy most holy humanite upon the, in the wombe of the mooste holy Virgin Mary, than by the hye provision of thy Father's devyne power, all the universal world was in peace and concord. Wherefore, bounteful Lorde God, we pray thee to preserve our kynge, his ayders and counsellors, and all governours, and the whole universal commons of this realm in peace and concorde, and not only us, Lord, but all the realmes in the world, that we may keep one God, one faythe, and one lawe, by the ordinaunce of our Lord Jesu Christe, which reighneth in the worlde of worldes. So be it."

After this follows a long exposition upon the one-and-fiftieth psalm. Next is a prayer to our Saviour, which is followed with a long practical discourse upon his passion. There is likewise an instruction for children: a dialogue between father and son,

by way of catechism : a prayer for removing hardness of heart. A prayer taken out of the sixty-third and sixty-fourth of Isaiah : Hannah's thanksgiving, the first of Samuel and the second ; and the prophet Daniel's prayer in his ninth chapter. Then follows a collection of psalms, several of which relate to the passion of our Saviour. There is likewise, an admonition prefixed to the Dirige : and here the words of Job to move his friends to compassion are said to be misapplied : the text is this, (Job xix. 21.) "Have pity upon me, have pity upon me, O ye my friends, for the hand of God hath touched me." "Job spake these words," says the primer, "than being in lyve, and being in the great rage of his intolerable affliction. And must they now serve for the souls that be departed, and in the pains of I cannot tell what? Finally, there is nothing in the Dirige, taken out of Scripture, that makes any more mention of the soul departed, than doth the tale of Robin Hood."

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VIII.

This book was printed by John Biddyl, June 16th, 1535, in the thirty-fourth year of this reign : when the Bible was prohibited to all under gentlemen, this primer, and several other devotional books in English, were excepted from the prohibition.

There were other primers afterwards printed in this king's time, but the matter and manner being much the same with this, I shall take no further notice of them.

Queen Catharine's affairs moved slowly with the pope and the emperor ; neither of them being in a condition to relieve her so soon as she expected. This disappointment, together with the success of her rival, sat hard upon her spirits, and hastened her end. She fell into her last sickness at Kimbolton in the fiftieth year of her age : during this illness, she received some messages of ceremony from the king, and had the countenance of the emperor's ambassador at her court : but these were but weak cordials. When she found her death drawing near, she ordered one of her maids of honour to write to the king to this effect :

Queen
Catharine's
death.

She told him, that "now at the approach of death, she could not forbear, out of the love she had for him, to suggest some thoughts for the good of his soul : that this business ought to be preferred to all considerations of interest or pleasure : she let him know, he had involved her in a great many

Her last
letter to the
king.

CHAS. WILK. Hist. Chart. — misfortunes, and embarrassed his own affairs over and above: but that she heartily forgave him, and prayed he might likewise have God's forgiveness. She recommended the princess Mary to his care and affection. She entreated him to have regard to her maids, and dispose of them in marriage with the usual advantage. And for the rest of her servants, she requested a year's salary, besides what was due already. She takes her leave by declaring, 'her eyes desired him above all things.' In the top of the letter, she salutes him with, "My most dear lord, king, and husband."

Ed. Herbert, p. 401.

She dictated another letter to Eustachius, the emperor's ambassador, requesting him to put his master in mind of taking her daughter into his protection. The king received her letter with some tenderness and regret. And when the news of her death was brought him, he ordered her to be buried in the monastery of Peterborough, with decent solemnity. The furniture of her house was partly laid out upon her funeral, and the remainder disposed of among her servants. The abbey of Peterborough was afterwards turned to a bishop's see, in honour, as it is supposed, of her memory.

Id.

See also
Hart.

She was remarkable for regularity and devotion. Before her misfortunes, she used to divert herself with business, and kept those about her from misemploying their time. Thus when the cardinals Wolsey and Campegio came to wait on her, they found her with a skein of silk about her neck, and at work with her women. It is true, the king is said to have sometimes complained of her temper: but whether the fault lay there, or in the treatment she received, I shall leave with the reader. It seems queen Anne did not manage herself exactly upon this occasion: she appeared too much pleased with the death of this princess, both in her dress and conversation.

Quemada.

Ed. Brown, p. 1, p. 192.

The emperor, who had a great regard for his aunt, was much concerned at the hearing of her death. He considered notwithstanding, that now the grounds of hostility between himself and the king of England were taken away, and having occasion to employ his forces against the Turk, was rather disposed to close with the king, than pursue the execution of the pope's ban. However, he thought himself bound in honour not to lie upon a refusal: he took care therefore to handle

the king's pulse, before the discovery of his own inclination. Thus when he found his proposals would be received, he offered the revival of their ancient friendship. But then it was upon the conditions the king would be reconciled to the pope, and assist his imperial majesty against the Turk, and the French king. To this the king of England answered, that the rupture was begun by the emperor: however, if this was acknowledged, the king was willing to renew their correspondence, but then it must not be clogged with any conditions. For to mention only that which relates to the see of Rome, where the emperor promised to use his interest for a reconciliation: the king told his imperial majesty, his proceedings against the bishop of Rome had been so unexceptionably managed, that there was no reversing them, especially since they had been confirmed by parliament. For these reasons he had been already obliged to refuse some overtures from that prelate.

HENRY
VIII.

*The emperor
proposes an
accommoda-
tion with the
king.*

*His terms
are refused.*

Ld. Herbert,
p. 404. 406.

In the next session of parliament, there were several acts passed relating to ecclesiastical affairs: the most remarkable of this kind, was that for the dissolution of the lesser abbeys. The preamble runs thus:

"Forasmuch as manifest sin, vicious, carnal, and abominable living, is daily used and committed commonly in such litle and small abbeyes and priories of monks, chanons, and nonns, where the congregation of such religious persons is under the number of twelve persons, whereby the governours of such religious houses, and their convents, spoil, destroy, consume, and utterly waste as well these churches, monasteries, priories, principal houses, fermes, granges, lands, tenements, hereditaments, as the ornament of their churches, and their goods and cattalls, to the high displeasure of Almighty God, slander of good religion, and the great infamy of the king's highness, and the realm, if redress should not be had thereof. And albeit that many continual vysitations have been heretofore had, by the space of two hundred years and more, for an honest and charitable reformation of such unthrifty, carnal, and abominable living; yet nevertheless, lyttel or nonamendment ys hitherto hadde; but their vicious living shamelesly increaseth and augmenteth: and by a cursed custom so grone and infected, that a great multitude of the religious persons in such small houses do rather chuse to come abroad in apostacy, than

*The preamble
of the
statute for
the dissolution
of the
lesser abbeys.
27 Hen. 8.
cap. 28.
Dugdale's
Monasticon,
vol. 1.
fol. 1048.*

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to conform themselves to the observation of good religion. So that without such small houses be utterly suppressed, and the religious persons therein commytted to great and honourable
114. monasteries of religion in this realm, where they may be compelled to lyve religiously, for reformation of their lyves, there can else be no redress nor reformation in that behalfe. In consideration whereof the king's most royal majesty, being supream hede in earth under God, of the Church of England, daily studying and devising the increase, advancement, and exaltation of true doctrine and vertue in the said Church, to the only glory and honour of God, and the total extirping and destruction of vyce and sin, having knowledge that the premisses be true, as well by the complaints of the late visitations, as by sundery credible informations:

The behaviour of the greater abbeyes owned unexceptionable.

"Considering also that divers and great solemn monasteries of this realm, wherein, thanks be to God, religion is well kept and observed, be destitute of such full numbers of religious persons as they might and may keep, have thought good that a plain declaration should be made of the premisses as well to the lords spiritual and temporal, as to others his loving subjects the commons in this present parliament assembled. Whereupon the said lords and commons, by a great deliberation, finally be resolved, that it is and shall be much more to the pleasure of Almighty, and for the honour of this realm, that the possessions of such small religious houses being now spent, spoiled, and wasted for increase and maintenance of sin, shall be used and converted to better uses, and the unthrifty religious persons so spending the same, to be compelled to reform their lives; and thereupon most humbly desire the king's highness, that it may be enacted by authority of this present parliament, that his majesty shall have, and enjoy to him and his heirs, all and singular such monasteries," &c.

In the body of the statute, "All religious houses, not above the clear yearly value of two hundred pounds, with all their manors, lands, tithes, advowsons, &c., are granted to the crown, together with all the ornaments, jewels, goods, chattels, and debts thereunto belonging.

A clause for saving the interest of the founders.

This act did not pass without a clause for saving the right and interest of the patrons and founders: such as rents, annuities, fees, offices, leases, commons, &c.

There is another provision for the maintaining the usual hospitality of those places; "the grantees or purchasers of these religious houses being bound to keep an honest continual house in the same site or precinct, and to plow as much of the ground as the abbots or priors had done within twenty years last passed. The forfeiture was six pounds thirteen shillings and four pence per month, to be recovered to the king's use. The justices of the peace were empowered to enquire of the premisses, to try the cause, and assess the fine."

HENRY
VIII.

And for
maintaining
hospitality.

In the preamble of this act, there is a high charge of immorality laid against the lesser abbeys: this is grounded upon the report of the visitors, and rests chiefly upon their credit. And here the larger abbeys have the commendation of a regular behaviour. The preamble takes notice further, that there is a necessity of transplanting the monks of these little societies: and without removing them to more numerous convents, their reformation was impracticable. Now it is somewhat strange, discipline should be most insignificant where there are fewest to be governed, and infect the rest. And that no regulation could be of force enough to keep a few people within compass. Had it not been for the authority of this preamble, one would have thought the greater monasteries would have been more difficultly managed. But these, the act tells us, were regular enough, and answered the ends of their institution. Fuller takes the freedom to fancy there was something of finesse in this commendation. The lesser abbeys he believes could not be suppressed without the votes of the greater. And of these latter there were no less than twenty-six mitred barons who sat in the house of Lords. It was prudence therefore to lay the apprehensions of these abbots asleep, and prevent their suspicion of falling under the same fate.

Fuller's
Ch. Hist.
p. 312.

And thus three hundred and seventy-six of these ancient monuments of devotion (as the lord Herbert calls them) were disincorporated and dissolved: a yearly revenue of two-and-thirty thousand pounds accrued to the exchequer: and the goods and chattels, at a low valuation, amounted to a hundred thousand pounds.

The revenue
and riches of
the abbeys
dissolved.
Lord Her-
bert, p. 377.

However, the enriching the crown this way did not give

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Stow's
Annal.
*The slender
provision
made for
the religious
and those
who belonged
to them.*

general satisfaction. For no less than ten thousand persons were sent into the world unfurnished, and in a manner undone, by this expedient.

The seeing the monks and nuns stroll about the country for their bread, and the churches pulled down, profaned, and turned to barns and pigeon-houses, was no agreeable spectacle. Besides, since the statute gave the king all sums of money due to the monasteries, it was thought reasonable the debts owing by those houses should have been discharged. This was accordingly done for the most part, at the surrender, by the king's commissioners. But when relics happened to be pawned, it seems they refused to redeem them: thus one man lost forty pounds upon St. Andrew's finger, excepting one ounce of silver with which it was covered.

Ld. Herbert,
p. 377.

And here we are to observe, that some few of these religious, in hopes, it is likely, of better entertainment, surrendered their houses before the passing this statute.

Bp. Burnet,
p. 1. p. 191.

This dissolution of the abbeys made the princes of Germany more forward to enter into alliance with England. This unexpected step they took for an indication of the king's aversion for any correspondence with Rome: they had likewise reason to conclude queen Anne in the same disposition. This was no more than a plain inference from the interest of her marriage. This complexion of affairs invited them to make proposals of a treaty to the king's ambassadors¹. The articles were these:

¹ *At Smal-
calde.*

*The pro-
posals of the
princes of
Germany.*

"First. That the king should receive the Augustaine confession only with this latitude; that some alterations might be made in that system by common consent.

"Secondly. The king was to be obliged to join with them in the defence of a free council.

"Thirdly. That neither of the parties should allow of the intimation of a council, or agree to the place, without a mutual concurrence: and that if such a council was convened as was now promised by the pope's legate Vergerius, it should not be refused.

"Fourthly. That if the pope did not stand to his legate's proposals, they should oppose his proceedings, and protest publicly against him.

"Fifthly. That the king should unite with them in their league, as well as in their religion, and accept the title of defender of it.

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115.

"Sixthly. That the common belief of the pope's primacy should be totally renounced.

"Seventhly. That if either of the parties happen to be invaded for religion, the other shall send no forces against them.

"Eighthly. That the king shall pay a hundred thousand crowns towards supporting the confederacy: and if the war happened to be drawn out into length, this sum was to be doubled; upon condition however, that when a peace was made, the remainder should be returned.

"Lastly. When the king had declared his mind upon these points, they promised to send him some men of learning with a public character."

These overtures being transmitted by Cromwell to Gardiner, then ambassador in France, the bishop returned him this advice:

"The granting the first article (he said) would bind the king to the sense of the Church of Germany. And thus he would be under an obligation, not to make use of the permissions of revelation, without the concurrence of common consent.

A. D. 1535-6.
Cotton.
Libr. Cleop.
5. fol. 213.
*The bishop
of Winchester's opinion
upon the
overture.*

"Now, if such a stipulation should be defensible, the bishop of Rome would take the advantage of this inference; that the Word of God might be brought under conditions, and limited to a common assent. Such an article therefore would be unwarrantable: for the Word of God leaves both parties at liberty to reform as far as truth and the interest of religion directs: neither can they bar themselves from proceeding in this manner by any treaty whatsoever.

"He suggested another difficulty drawn from the disparity of authority between the king and the protestant princes. The king, says he, is a sovereign magistrate, vested with imperial jurisdiction; and, in consequence of that prerogative, head of the Church of England: but the princes of Germany are but dukes at the highest: they are no more than subordinate governors, and such as make no scruple to own their emperor for their chief lord. Now, since we prove the king head of the Church of England, from his civil supremacy, it will follow, by parity of reason, that the emperor is head of

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the Churches in Germany. Things standing thus, which way can these princes be in a condition to perfect a treaty, or settle an agreement of religion between us? Which way can this be done, without the consent of his imperial majesty, the head of their Church? Or how can we stipulate upon points of religion with those who confess themselves subjects, without prejudice to the king's authority? For if we must be governed in these matters by our head, the king's highness, the emperor will expect these princes should treat him with the same deference; and that his imperial majesty should direct religious affairs 'within the limitations of the Word of God.' If this reasoning is not allowed by the princes at Smalcalde, we shall disagree in a matter of importance. For then they must either deny the emperor's being their supreme, which contradicts their public acknowledgments, or else they must fall into our opinion, and confess him the head of their Church. And if so, it will not be in their power to conclude any thing without his concurrence: for whatever is done in this case may be altered by his imperial majesty; the Word of God being made the rule for his proceedings.

"Further, the king may stipulate to abide by a settlement concluded by common consent, provided the Scriptures are made the standard, and govern the dispute. But then which way their promise can bind without their sovereign's consent, was past the bishop's comprehension.

"As concerning the council, he thought their proposal very much embarrassed: for since the king has no correspondence with the emperor, or dependence upon him, why should his highness be obliged to admit of any council convened by that prince's direction? And yet, this consent follows from one of the articles, for the Protestants insist upon the accepting such a council as had lately been offered by the pope's legate: thus much for the second and third articles.

"As for the fourth article, the king may do his part, and protest against an exceptionable council; but how the princes his allies should perform theirs, is somewhat unintelligible. For in case the emperor agrees to the calling a council, by what defensible authority can they hinder it?

"Further, the bishop advises the pressing these princes to own the king's style; he means that of his being 'head of the Church:' that such an acknowledgment would be serviceable

to his ecclesiastical supremacy, and make the divorce look the better: and that in this latter cause, he thought Providence had in a great measure decided for the king, by the death of the princess dowager."—The rest of the letter relates to the state: however, since it gives a further discovery of Gardiner's abilities, and shows him a person of no ordinary reach, I shall insert it among the records. HENRY VIII.
See Records, num. 34.

To proceed to some other acts passed in this parliament, with relation to the Church.

The first I shall mention refers to an act passed in the last parliament, touching first-fruits and tenths, then granted to the crown. This statute takes off some little of the weight of that burden, and enacts that no tenths shall be demanded for the first year, in which the first-fruits were due. The privilege of this abatement extended to the religious houses, as well as to the secular clergy. *No tenths to be paid by the incumbent for the first year.*
27 Hen. 8. cap. 8.

There was a provision made for the better government of sanctuaries. Those under this protection were obliged to wear badges, to appear with no weapons about them, not to walk abroad before sun-rising, or after sun-setting; not to resist their governors, &c. who were empowered to determine any debt under forty shillings, &c. *The regulation of sanctuaries.*
27 Hen. 8. cap. 19.

In another act, for the better recovery of tithes, the preamble complains, "that many of the people had been more outrageously fraudulent in detaining their tithes, and disregard the decrees of the ecclesiastical courts with more contempt than had ever been known." 27 Hen. 8. cap. 20.

For the better regulation of the revenues of the crown arising from the dissolution of the lesser monasteries, a court of augmentation was erected: "and all lands, manors, and rents of religious houses, which are or shall come to the king's hands, are put in the order, survey, and governance of the said court. Further, by this statute, in all grants of abbey lands made by the king; a tenure by knight's service *in capite*, and a yearly rent of the tenth part of the yearly value of such lands, were reserved to the crown. The officers of this court were, a chancellor, treasurer, an attorney, solicitor, ten auditors, seventeen receivers, besides a clerk, usher, and messenger." By the settling so many officers, the dissolution of the greater abbeys seems to have been concerted; otherwise, one would have *A court of augmentation erected.*
27 Hen. 8. cap. 27.

CRAN-
MER,
Abp. Cant.
Cap. 19. thought seventeen receivers had been more than necessary.

27 Hen. 8.
cap. 15. The act made in the twenty-fifth of this reign, concerning the empowering the king to nominate sixteen of the spirituality and sixteen of the laity to examine the canons, is confirmed in this parliament: and here the king is authorized to supply the number of those who shall happen to decease after his first nomination. The act has a proviso, that no canons or constitutions repugnant to the prerogative royal, or the laws of the realm, shall be made or put in execution. The king's authority for the nomination of the said two-and-thirty persons is limited to three years after the dissolution of this parliament. By the way, his majesty never made any use of this privilege.

*The king's
ambassa-
dors' answer
to the Pro-
testant
princes at
Witten-
burgh.* How far Gardiner's advice, concerning the German alliance, governed the ambassadors' private instructions, is uncertain. However, the following answer was returned to the Protestant princes. The ambassadors acquainted them, "the king was satisfied with the main of their proposals; but expected they should yield to an amendment in some particulars. And notwithstanding the repose of his own dominions, and that he had no reason to fear any foreign attack, yet he was willing to part with the money they desired, provided the confederacy was settled; that he desired to discourse with their ambassadors further upon that head: that he thanked them for the honour of offering him to be head guarantee of the league: that notwithstanding he was not insensible how invidious a distinction this was; yet, for the sake of the public interest, he should not decline it, provided the first and second articles were adjusted: for unless they could come to a harmony in doctrine, he conceived the undertaking such a function might disoblige his character. He was desirous, therefore, in the first place, that the learned both of his own and their dominions, might be brought to the same sentiment: that this was impracticable, unless some articles in their confession were softened and further explained: that private conferences were the best expedient for such a temper. He requested them, therefore, to despatch their agents to him, and to join some person of eminent learning in the embassy. That thus furnished, they might argue the case, and go through the controversy with some of his subjects: and when the doctrine and ceremonies

March 12,
1535-6.

of the Church were thoroughly debated, it was to be hoped they might close and understand each other."

To this, and some points of state insisted on by the ambassadors, the duke of Saxony replied, he would consult the confederates. These meeting soon after at Frankfort, it was agreed to send an embassy into England, but with this proviso, that nothing should be done to the prejudice of their allegiance to the emperor. Sturmius was the ambassador for the confederate cities: the divines joined with him were, Melancthon, Bucer, and Draco. But the misfortune of queen Anne intervening, disconcerted the juncture, and retarded the affair for some time.

After the death of queen Catharine, queen Anne, it is likely, thought herself secure: and thus, relying too much on the establishment of her greatness, managed with less caution and reserve than was required to preserve her in the king's esteem. But this, it may be, was not the entire cause of her ruin: for it is certain the king had already removed his affection to Jane Seymour, daughter to Sir John Seymour. This lady being a finer woman, and a novelty to the king's fancy, might probably make his jealousy run higher against the queen, and proceed to the utmost rigours of law against her. However, how far the king was governed by his suspicions, is altogether uncertain.

To come to the narrative: there was a solemn tilting at Greenwich on May-day; at this diversion, it is said by some, the queen dropped her handkerchief, which was taken up by a supposed favourite, who wiped his face with it. The king, taking notice of this passage, immediately withdrew, to the great surprise of the queen and court. The king went immediately to Westminster; and the next morning, George lord Rochford, the queen's brother, and Henry Norreys, were committed to the Tower. The same day the queen coming to London, was apprehended in her barge by the duke of Norfolk, lord chancellor Audley, Cromwell, principal secretary, and Sir William Kingston, lieutenant of the Tower. When these lords acquainted her with the reason of the king's dissatisfaction, she declared strongly against the imputation, and made a solemn appeal to God for her innocency. She requested the favour of seeing the king before her commitment; but they told her they had no commission to gratify her. Thus she was

HENRY
VIII.

Sleidan,
Comment.

lib. 10.

April 24,

1536.

Melancthon

and some

others sent

from the

Protestant

princes into

England.

Ibid.

Ld. Herbert,
p. 381.

May 1.

*The fall of
queen Anne.*

Heylin's
Hist. Re-

form. under

Q. Eliz.

p. 92.

May 2.

CRAN-
MER,
Abp. Cant.
Bp. Burnet,
pt. 1. p. 203.

Heylin,
Hist. Re-
form. p. 94.
May 17.

MS. Johan.
Anstey
Armig.

June 9.
Fuller, from
the Acts of
Convoca-
tion, p. 207.

vent the severity of the execution: and that the sentence of being burnt might be mitigated to beheading. But it does not appear she was particular in this confession. She only acknowledged there were some just and lawful impediments against her marriage with the king. And, therefore, the instrument under Cranmer's archiepiscopal seal only takes notice that the marriage was null and void for good and valuable reasons, without mentioning what they were.

The sentence of divorce was solemnly pronounced at Lambeth before the lord chancellor Audley; Charles, duke of Suffolk; John, earl of Oxford; Robert, earl of Sussex; William, lord Sandys; Thomas Cromwell, master of the Rolls, and principal secretary, with others of the privy council; to which we may add the queen's proctors, and several dignified clergy. This sentence of divorce was confirmed in convocation, and afterwards in parliament.

28 Hen. 8.
cap. 7.
*Her divorce
confirmed by
convocation
and parlia-
ment, and
her daughter
declared
illegitimate.*

The statute touching the succession of the crown sets forth, "That till now of late the marriage between his majesty and the lady Anne was reputed by the nobles and commons to have been good and unexceptionable. But that now God had brought to light and open knowledge certain just, true, and lawful impediments, unknown at the making of some former acts, and that by the lady Anne's confession before Thomas, archbishop of Canterbury, it plainly appeared that the said marriage between his grace and the said lady Anne was never good, nor consonant to the laws, but utterly void and of none effect. Further, by this act, the lady Elizabeth, daughter to queen Anne, is declared illegitimate, and disabled from inheriting the crown."

I observe the record of this divorce at Lambeth, though passing through all the forms and thus publicly attested, is not entered upon the register. This is somewhat remarkable, especially since that of Anne of Cleves, which happened some few years after, is inserted at length.

To go backward a little; the queen was allowed but a short time after judgment against her; for on the nineteenth of May she was brought to a scaffold within the Tower, where she spoke to this effect:—

She told the people, "she was condemned by law, and therefore should offer nothing against the sentence. It was not her intention to accuse any person, nor deliver any thing concerning the matter wherewith she was charged. She prayed God to preserve the king, to bless him with a long reign, and then speaks very full in commendation of his clemency and good nature. And if any person was disposed to examine the proceedings, and interpose their opinion in her cause, she required them to make the best construction."

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VIII.

*Her speech
at her death.*
May 19.

This queen's memory was differently treated: some censured her silence upon the scaffold with respect to the vindication of her innocence. She was not, they thought, explicit enough in justifying her behaviour. Others interpreted this reservedness to a tenderness for her daughter, and that the taxing the king with injustice at her death, might have proved unserviceable to the lady Elizabeth. Others make her death judicial, and that it was a providential punishment upon her, for supplanting queen Catharine. She is reported to have been a very charitable lady; and that she expended above fourteen thousand pounds this way in less than a year. She had likewise a design of raising a stock to employ poor tradesmen. This queen was a favourer of the reformation, but not to the length of Fox's opinion: for she was altogether averse to the suppression of religious houses; and put Hugh Latimer upon preaching against it before the king. She likewise cautioned others of the clergy not to declaim against the monasteries, and preach down the institution. As to her descent, she was eldest daughter to Sir Thomas Boleyn, afterwards earl of Wiltshire. Her mother was Elizabeth, daughter of Thomas, duke of Norfolk. Her father's family had intermarried with the house of Ormond, and was related to several of the chief gentry in Norfolk. It seems the king parted with her without the least regret; for the next day after her execution he was married to Mrs. Seymour.

Sanders de
Schism. Angl.
p. 169.

Mr. Harbin's
MSS.

Her extraction.

118.

Id. and
Bp. Burnet,
pt. 1. p. 207.

The fall of this queen, and the illegitimation of the lady Elizabeth, gave the princess Mary some hopes of a favourable juncture. About this time, therefore, she wrote several letters to the king, to improve her interest and recover his affection. She had lost ground, it seems, by adhering to her mother's cause, and not being so flexible as the king expected. Upon

*The princess
Mary's sub-
mission to
the king her
father.*

CRAN-
MER,
Abp. Cant.

her making a general submission for this in compliance, the duke of Norfolk was sent to her, with orders from the king to put her hand to certain articles; the purport of them in short was, to acknowledge the king supreme head of the Church of England; to submit to the laws of the kingdom; to renounce the bishop of Rome's pretended power, and disclaim all manner of interest from that quarter; to acknowledge the marriage between his majesty and her mother to be wholly unlawful; to declare for what reason, and at whose suggestion, she had so long continued obstinate; and, lastly, upon what motive, and by whose advice, she made her submission now. She demurred to the two last questions, being not willing to discover her friends. As to the other articles, she returned the following subscription.

Ex Biblioth.
R. Harley,
Armig.

"The confession of me, the lady Mary, made upon certain points and articles underwritten, in the which, as I do now plainly and with all my heart confess and declare mine inward sentence, belief, and judgment, with a due conformity of obedience to the laws of this realm; so minding for ever to continue and persist in this determination without change, alteration, or variance, I do most humbly beseech the king's highness, my father, whom I have obstinately and inobediently offended in the denial of the same heretofore, to forgive mine offences therein, and to take me to his most gracious mercy.

"First. I confess and knowledge the king's majesty to be my sovereign lord and king in the imperial crown of this realm of England, and do submit myself to his highness, and to all and singular laws and statutes of this realm as becomes a true and faithful subject to do, which I shall also obey, keep, observe, advance, and maintain, according to my bounden duty, with all my power, force, and qualities that God has endued me with, during my life.

"Item. I do recognize, accept, take, repute, and knowledge the king's highness to be supreme head in earth under Christ of the Church of England, and do utterly refuse the bishop of Rome's pretended authority, power, and jurisdiction, within this realm heretofore usurped, according to the laws and statutes made in that behalf, and of all the king's true subjects humbly received, admitted and obeyed, kept and observed; and also do utterly renounce and forsake all manner of remedy,

interest, and advantage, which I may by any means claim by the bishop of Rome's laws, process, jurisdiction, or sentence at this present time, or in any ways hereafter, by any manner, title, colour, mean, or case that is, shall, or can be devised for that purpose.

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VIII.

MARY."

"Item. I do freely, frankly, and for the discharge of my duty towards God, the king's highness and his laws, without other respect, recognize and knowledge that the marriage heretofore had between his majesty and my mother, the late princess dowager, was by God's law, and man's law, incestuous and unlawful.

MARY."

Notwithstanding the several acts of parliament for disclaiming the jurisdiction of the see of Rome; notwithstanding the protestation of the clergy, universities, and religious to the same purpose, the pope did not utterly despair of retrieving his affairs in England. He sent for the king's agent, Sir Gregory Cassaley, told him he was glad to hear the king was disengaged from his last unfortunate marriage; that now his highness had an opportunity of procuring a peace between the emperor and the French king; that he would be in a condition to succeed in this honourable undertaking by renewing his correspondence with the apostolic see. As for himself, he always endeavoured to do his highness good offices; that when he was cardinal, he solicited Clement VII. to do him justice in his divorce, and used his interest with the emperor to acquiesce. As for Fisher, bishop of Rochester, he sent him a cardinal's hat only to make him more serviceable at the general council. It is true, when the news of that prelate's death was brought to Rome, he was pressed to show his resentment. At this juncture he could not avoid doing some things which carried a rough appearance, "though he never designed to drive them to the head." He intended, therefore, to dispatch a nuncio into England, after which a council might be expected, and a war concerted against the Turk. All this he desired Sir Gregory to advertise the king of, without taking notice it was done at his holiness's instance.

The pope offers at an accommodation with the king.

Qua tamen nunquam in animo habuit ad exitum perducere.
May 27.
Ld. Herbert, p. 387.

Soon after cardinal Campeggio sent his brother Marco Antonio into England to solicit the regaining his bishopric of Salisbury. This and some other business was given out; but

CRAN-
MER.
Alp. Cant.
But fails of
success.

the main of his journey was in all likelihood to work the king to a reconciliation. But the terms proposed not giving satisfaction, the pope concluded an accommodation impracticable. And now being resolved to treat the king as a heretic, he endeavoured to form a confederacy against him. He gained the emperor by intimating a council at Mantua for the next summer. And to bring James V. of Scotland into the alliance, he caressed him with presents, and sent him a rich consecrated sword. Upon trial made at the French court, he found that prince not in the disposition expected. But as the French king disappointed the pope, so neither did he come up to king Henry's inclination. He chose rather to hold a middle course, and neither wholly satisfy nor break with either. For when the English ambassador, Gardiner, laid his master's proceedings before him, he did not think fit to oblige with his approbation. He told the ambassador, that notwithstanding all the king's subjects should be never so unanimous touching the legitimacy of his issue by his second marriage, yet, if foreign countries were of a different sentiment, it might prove a troublesome affair.

14. p. 388.

119.
The French king declares against king Henry's marriage with Catharine of Spain, notwithstanding pope Julius's dispensation. See Records, num. 35.

But though the French king thought fit to return this cool answer at present, he had formerly signed a solemn instrument in which he declares against the lawfulness of king Henry's marriage with Catharine of Spain, approves that with queen Anne, and engages to stand by the king of England in defence of it against all persons and authorities whatever. This declaration, though without a date, must have been signed before this time, because the parliament now sitting had pronounced the issue by queen Anne illegitimate.

This session began June the eighth, and held no longer than the eighteenth of July following.

The statutes relating to the Church are as follow :

Statute relating to the Church.

It was enacted that all those who maintained, either by writing, printing, preaching, or teaching, that the bishop of Rome had any jurisdiction within this realm, should incur the penalty of premunire. And to fortify this statute, it was ordained that all officers ecclesiastical and civil, all religious persons when they were professed, and all the clergy at their taking orders, and scholars of the university when promoted to any degree in learning, should be obliged to swear a renunciation of the pope's authority, and an acknowledgment of the king's

being the only supreme head in earth of the Church of England. This solemn engagement runs in the style of "So help me God, all saints, and the holy evangelists."

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VIII.
28 Hen. 8.
cap. 10.

The refusal of this oath was high treason.

There was a clause for the saving the ceremonies, service, and discipline of the Church; together with the customary jurisdiction of the clergy.

Statutes at
Large.

To go on: there was an act passed for the securing the profits arising in benefices and other spiritual promotions and dignities to the next incumbent. This statute was made to prevent the ordinaries laying their hands upon the profits above-mentioned, during a vacancy. By this act the incumbent has the liberty of bequeathing the corn upon the glebe-lands, by his last will and testament. There is likewise provision made for lessees of a parsonage, &c., and for the payment of the curate.

There is another act touching non-residence, with some clauses, supplemental to the 21 Hen. VIII. cap. 13.

28 Hen. 8.
cap. 13.

There was likewise an act to discharge the licences and dispensations granted by the see of Rome. It sets forth, "That the popes, out of an ambitious intent to advance and enrich their see, had usurped several powers and jurisdictions, in virtue of which, they had granted sundry immunities, faculties, licenses, &c. to the king's subjects. It is therefore enacted, that all bulls, briefs, faculties, and dispensations, of what natures or qualities soever, obtained of the bishop of Rome, or any of his predecessors, are declared void and of no force, and never to be used, allowed, or pleaded, in any courts of the realm, under the penalty of a præmunire. And here by way of remedy, and to prevent inconveniences, all marriages solemnized before the twenty-third of November, in the twenty-sixth year of this reign, not prohibited by the law of God, and where no divorce had passed upon them in the spiritual courts, are declared good in law. All consecrations of bishops, promotions of abbots, and other heads of religion, &c. by virtue of such bulls are confirmed. And for the future, all who enjoyed any privileges or interests upon the score of such papal authorities, were to bring their faculties to the masters of Chancery, or to such persons as the king should nominate. And if the persons appointed for this purpose shall judge their faculties such as may be lawfully granted by the archbishop of Canterbury, that then

28 Hen. 8.
cap. 16.

CRAN-
MER,
Abp. Cant.

they were to make application to the lord chancellor, who was to pass the substance of their faculties under the great seal."

This act struck at the privileges of exempted abbeys; and unless they could get their privileges renewed in Chancery, brought them under the jurisdiction of their ordinaries: but the juncture was touchy, and they were glad to acquiesce for fear of a greater misfortune.

1536.
*The Convo-
cation Jour-
nal styles
Cromwell
only 'Ho-
norandus
Magister
Thomas
Cromwell,
Vicarius
Generalis.'*
June 16.
Fol. 63.
*Deformi-
tatis specta-
culo, &c.*
Godwin,
Annal.
p. 59.

On the ninth of June, this year, the convocation met. And now Cromwell, lately made a baron, and lord privy seal, appeared among the prelates, and by the strength of his vicar-generalship took place of the archbishop of Canterbury. The figure that Cromwell made in this assembly was somewhat singular, especially since he had neither birth, learning, nor character to bear him out. "For an ignorant layman," says bishop Godwyn, "to preside in a synod of the most learned bishops that ever were in England, was but a scandalous sight. If this function could have been executed by one of the laity, the king would have done much better in person, than by such a proxy." However, Cromwell had courage enough to support his commission: and represented the king up to all the points of state and ceremony. He appeared first in the upper house by his proxy doctor Petre, who claimed precedency, and had it, upon the score of his deputation. About a week after Cromwell came thither himself, and exhibited the divorce between the king and Anne Boleyn, to be signed by the convocation. This instrument passed and was subscribed by both houses.

June 16.

June 28.
*Convocation
Journal,*
fol. 63, 64.

On Friday following, Mr. Gwent, the prolocutor, laid a book of erroneous opinions before the bishops: it was delivered with a protestation of the lower house against the heterodoxies publicly preached and printed, requesting that order might be taken to check the progress of such dangerous tenets. The protestation stands at the head of the list; and runs thus:—

*A remon-
strance of
the lower
house of
convocation
against
several
erroneous
tenets.*

"In very humble and reverend manner, with protestation that we, the clergy of the lower house, in the province of Canterbury, neither in word, deed, or otherwise, directly or indirectly intend any thing to speak, attempt, or do, which in any manner of wise may be displeasing unto the king's highness, our most dread sovereign lord and supreme head of the Church of England; but in all things according to the command of God to be most obedient to his grace, to whom accordingly

we submit ourselves, minding in no wise by any colourable fashion, to recognize privily or apertly the bishop of Rome, or his usurped authority, or in any wise to bring in, defend, or maintain the same into this noble realm, or the dominions of the same. But that the same bishop of Rome, with his usurped authority, utterly for ever, with his inventions, rites, abuses, ordinances, and fashions, to be renounced, forsaken, extinguished and abolished: and that we sincerely addict ourselves to Almighty God and his laws, and to our said sovereign lord the king, our supreme head in earth, and his laws, statutes, provisions, and ordinances, made here within his grace's realm. We think in our consciences and opinions these errors and 120. abuses following to have been, and now to be, within this realm, causes of dissension, worthy special reformation."

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VIII.

Now follows a recital of the errors:

"1. That it is commonly preached and discoursed to the slander of this noble realm, the disquiet of the people, and to the hinderance of their salvation, that the sacrament of the altar is not to be regarded: for several profane and scandalous persons are neither ashamed nor afraid to say, 'Why should I see the sacring of the high mass? Is it any thing else but a piece of bread, or a little pretty round robin?'

"2. Item. They deny extreme unction's being a sacrament.

"3. Item. They affirm that priests have no more authority to administer the sacraments than the laity.

"4. That children ought not to be confirmed by the bishop till they come to years of discretion.

"5. Item. That all church ceremonies not expressly warranted in Scripture, are human inventions, and for that reason to be laid aside.

"6. That all those deserve the character of Antichrist, who refuse to communicate the laity under both kinds.

"7. That all who are present at the mass, and do not receive with the priest, have no benefit by that office.

"8. That the Church, in the common acceptation of the word, is the old synagogue; and that, properly speaking, the Church consists only of good people.

"9. That it was never merry in England since the Litany

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MER,
Abp. Cant.

was brought into the service, and *Sancta Maria, Sancta Catharina, &c.*, sung and repeated.

" 10. That a man has no such faculty as freedom of will.

" 11. That God never gave grace or understanding in the Scriptures to men of quality or fortune: and that such persons never govern themselves by such directions.

" 12. That all monastic distinctions are a plain contradiction to the Christian religion.

" 13. That all things ought to be common: and that priests should marry. The convocation complains,

" 14. That preachers will not conform themselves to the Catholic Church, nor be governed by unexceptionable authorities, but resign themselves to the liberty of their own imaginations. The following heterodoxies are—

" 15. That no reverence ought to be paid to the images of the saints: and that it is downright idolatry to light lamps or tapers before an image, or to have any lights at Divine service till after sunset.

" 16. That it is idolatry to make any oblations.

" 17. That it is as lawful to christen a child in a tub at home, or in a ditch in the field, as in a church font.

" 18. That the font is only furnished with conjured water.

" 19. That the holy oil is no better than the grease or butter in the pope's kitchen.

" 20. That the tonsure of priests is a mark of the whore of Babylon.

" 21. That the stole about the priest's neck is the bishop of Rome's rope, and nothing better.

" 22. That it is a breach of God's command for Christians to make a reverence or curtsy to our Saviour's picture.

" 23. That it is no fault to eat meats prohibited by the Church in Lent.

" 24. That it is as lawful to eat flesh upon Good-Friday as upon Easter-day, or any other time.

" 25. That a sin committed in Lent, or at any other solemn season, deserves nothing of extraordinary punishment.

" 26. That auricular confession, absolution, and penance, are neither necessary nor beneficial.

" 27. That auricular confession is only a practice to unlock a man's breast, and rob him of his thoughts and money.

" 28. That a ghostly father has no authority to enjoin penance. HENRY
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" 29. That confession to God alone is sufficient for any body.

" 30. That we may as well confess to a layman as to a priest.

" 31. That confession is nothing but whispering in a priest's ear, and may be done as well before company as privately.

" 32. That in this case it is sufficient for the penitent to say, he owns himself a sinner.

" 33. That bishops, ordinaries, and ecclesiastical judges, have no authority to excommunicate or absolve.

" 34. That it is neither necessary nor serviceable to have churches or chapels for Divine service.

" 35. That burying people in churches and church-yards is insignificant, and to no purpose.

" 36. That rich ornaments in churches are rather displeasing than acceptable to God Almighty.

" 37. That it is pity, mass, matins, vespers, or any other part of Divine service, was ever made, or suffered to be read or sung in a church: their reason is, because they tend only to impose upon the people.

" 38. That the saints are not to be honoured with invocation: that they understand nothing of our prayers, nor are in a condition to mediate between God and us.

" 39. That our Lady the blessed Virgin was no better than another woman, and that she can prevail with our Saviour no more than another sinful person of her sex.

" 40. That it is to no more purpose to pray to the saints, than to throw a stone against the wind.

" 41. That all recommending prayers and offices, such as diriges, masses, distributions of charity, &c., for the souls of those departed, signify nothing.

" 42. That at the commencement of the state of separation, the soul goes immediately either to heaven or to hell.

" 43. That there is no third place, distinct from heaven or hell, for the punishment of departed spirits.

" 44. That if there be such a place as purgatory, our Saviour was never incarnate.

" 45. That prayers, suffrages, fasting, and alms, have no efficacy to dispose God to forgiveness.

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MER,
Abp. Cant.

"46. That venial and mortal, with respect to sins, is a chimerical distinction.

"47. That after the conversion of a sinner, all sins are by the merits of Christ's passion made venial, that is, are wholly forgiven.

121. "48. That Almighty God does not require fasting or alms of a sinner, but only that he should be sorry for what is past, and reform his practice.

"49. That holy water, holy bread, hallowing of candles, ashes, branches of palm, and such ceremonies, are altogether insignificant, and used only as amusements to delude the people.

"50. That holydays of ecclesiastical institution are not to be regarded: for all days are alike, and a man may go to plough and cart on those solemn festivals as well as at any other time.

"51. That the saying or singing of mass, matins, or vespers, is no better than roaring and whistling, masquerading and leger-de-main: and the playing on the organs nothing but levity and folly.

"52. That going on pilgrimages, fasting, and giving of alms are not to be used; and that a man is not bound to come to Church excepting to hear the sermon.

"53. That believing is sufficient to bring a man to heaven, without the condition of a virtuous practice.

"54. That some novelists are not content to preach against the excesses and irregularities in pilgrimages, fasting, invocation of saints, worshipping of images, and giving of alms, but will needs declare against the thing, and sweep off the practice; for the reformation of abuses is not enough to satisfy these people.

"55. That by some preachers the people are persuaded to believe nothing without express proof from Scripture.

"56. That since our Saviour has redeemed us by shedding his blood, we need do nothing but believe, and repent our past miscarriages.

"57. That there is a new form of confession lately made.

"58. That the canon of the mass is the comment of some illiterate foolish priest, and that the names of the saints there mentioned are not to be rehearsed.

"59. That no human laws or constitutions are binding to any Christian, excepting those of the New Testament."

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After a recital of these erroneous opinions, (as they are called,) and indeed most of them are no better, the lower house complains, at the end of their remonstrance, that certain books having been examined by a committee of the convocation, and declared full of heresy and heterodoxy, have, notwithstanding this censure, not been expressly condemned by the bishops, but suffered to remain in the hands of unlearned people: that by this connivance, the vulgar were furnished with arguments to dispute against the church, and disturb the kingdom: that those who had deserted from the received doctrine, and were under an ill character, both for belief and manners, take leave to preach their singularities without any authority either from the king or the ordinary.

This censure at the end of the remonstrance seems pretty plainly levelled against archbishop Cranmer, Latimer, bishop of Worcester, and Shaxton of Sarum. These prelates were suspected for the countenance of some of the best (as we have reason to account them) of these opinions.

However, their conduct was not uniform and equally unexceptionable: for, as our learned Church historian expresses it, the first managed prudently and solidly; the second zealously and simply; and the third with much indiscreet pride and vanity.

Bp. Burnet,
pt. i. p. 214.

But Queen Anne being taken off with disgrace, the interest of these bishops was thought to decline at court, and that this was the proper time to make good a charge against them. But it seems their enemies miscalculated in this matter; for Cranmer had the king's favour no less than formerly; and Cromwell, being partly in the archbishop's sentiment, endeavoured to attempt something further against the other party. To this purpose, he brought one Alexander Alesse, a Scotch divine, with him into the convocation. This Alesse, having the liberty to declare his opinion concerning the sacraments, endeavoured to prove that only baptism and the holy eucharist were of divine institution. Stokesly, bishop of London, argued against this assertion out of Gratian's "Decretum," and disputed with some vehemence for the received number, seven: he was seconded by the archbishop of York, the bishops of Lincoln,

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Bath and Wells, and Chichester. Cranmer, having discovered the opinions of these prelates, made a learned discourse concerning the sufficiency of the Scriptures, and the efficacy of the sacraments. He likewise discoursed upon the subject of traditions, monastic vows, celibacy of the clergy, and several other usages unsupported by revelation. He said, "to determine any thing, especially in a synod, without warrant from the Scriptures, was not becoming the character of a bishop. That the nicety and jargon of the school divines was more proper for boys in the university, than divines in such a solemn assembly." Fox, bishop of Hereford, abetted Cranmer's discourse. He told the house, that "for the prelates to mistake in religion, and miss their way, would be more unreputable than formerly: for now the Gospel appeared in so distinguished a manner, that even the common people were enlightened. That in Germany, where this bishop was ambassador, they had recourse to the original Greek and Hebrew, and translated the holy Scriptures into their own language. That by these assistances the people had little occasion for commentaries and glosses, but were able to instruct themselves in a great measure. That this precedent of theirs was very commendable, and ought to be followed; and that now we ought not to be wholly governed by interpreters, but have recourse to the holy Scriptures themselves.

Antiquit.
Britan.
Eccles.
p. 333.

Fuller's
Ch. Hist.
book 3.
p. 208.

To return: the fifty-nine propositions in the censured list, Fuller calls the Protestant religion in ore. But to make use of his allegory, unless we had found a richer vein, it may very well be questioned, whether the mine had been worth the working. However, here we have another representation of the Lollards' tenets, which confirms the truth of what has been already related concerning them.

What success this remonstrance met with in the upper house is not related. It is likely an unanimity in all points was not to be expected: for the bishops were in a manner broken into two parties. Those who leaned towards a reformation were, Cranmer, archbishop of Canterbury; Thomas Goodrich, bishop of Ely; Nicholas Shaxton, bishop of Sarum; Hugh Latimer, bishop of Worcester; Edward Fox, bishop of Hereford; John Hillsey, bishop of Rochester; William Barlow, bishop of St. David's. The other division which adhered to the received doctrines, excepting the pope's supremacy, were Edward Lee, archbishop of York; John Stokesly, bishop of London;

Cuthbert Tunstal, bishop of Durham; Stephen Gardiner, HENRY VIII.
 bishop of Winchester; Robert Sherburne, bishop of Chichester; 122.
 Richard Nix, bishop of Norwich; John Kite, bishop of Carlisle.

These prelates, it is probable, after some contests, made reciprocal concessions, and came to a temper. For now it was that certain heads of the doctrine of the Church of England in matters of faith, sacraments, and ceremonies, were subscribed by the archbishop of Canterbury, with many other bishops and abbots.

These articles, as the lord Herbert observes, were drawn by the king's order, brought into the upper house of convocation by Cromwell, where, though this system did not pass the whole house, it was subscribed by a majority of the bishops. It was afterwards signed by the king, and runs in his name. The royal declaration at the head of it, sets forth the occasion of this form, and the authority upon which it stood. It begins thus:

*Articles
 subscribed
 by the
 bishops and
 clergy in
 convocation.
 Fuller's
 Ch. Hist.
 book 5,
 p. 213, from
 the Convo-
 cation Re-
 cords.*

"Henry VIII., by the grace of God, king of England and France, defensor of the faith, lord of Ireland, and, in earth, supreme head of the Church of England, to all and singular our most loving, faithful, and obedient subjects, greeting,"—

*The king's
 declaration
 relating to
 religion.*

"Amongst other cures appertaining unto this our princely office, whereunto it has pleased Almighty God of his infinite mercy and goodness to call us, we have always esteemed and thought, like as we also yet esteem and think, that it most chiefly belongs unto our said charge, diligently to foresee and cause, that not only the most holy word and commandments of God should most sincerely be believed, and most reverently be observed and kept of our subjects; but also that unity and concord in opinions—namely, in such things as do concern our religion—may increase and go forward, and all occasions of dissent and discord touching the same, be repressed and utterly extinguished.

"For the which cause, we being of late, to our great regret, credibly advertised of such diversity in opinions as have grown and sprung in this our realm, as well concerning certain articles necessary to our salvation, as also touching certain other honest and commendable ceremonies, rites, and usages, now a long time used and accustomed in our churches, for conversation of an honest polity, and decent and seemly order to be

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had therein: minding to have that unity and agreement established through our said Church concerning the premises. And being very desirous to eschew not only the danger of souls, but also the outward unquietness, which by the occasion of the said diversity of opinions (if remedy were not provided) might perchance have ensued; have not only in our own person at many times taken great pain, study, labours, and travels; but have also caused our bishops, and other of the most discreet and learned of our clergy of this our whole realm, to be assembled in our convocation for the full debatement and quiet determination of the same. Where, after long and mature deliberation had of, and upon the premises, finally they have concluded and agreed upon the most special points and articles; as well such as be commanded of God, and are necessary to our salvation, as also divers other matters touching the honest ceremonies, and good and politic orders as is aforesaid: which their determination, debatement, and agreement, forso-much as we think to have proceeded of a good, right, and true judgment, and to be agreeable to the laws and ordinances of God, and much profitable for the establishment of that charitable concord and unity in our Church of England, which we most desire, we have caused the same to be published, willing, requiring, and commanding to accept, repute, and take them accordingly. And further, we most heartily desire and pray Almighty God, that it may please him so to illuminate your hearts, that you, and every of you, may have no less desire, zeal, and love to the said unity and concord, in reading, divulging, and following the same, than we have had and have in causing them to be thus devised, set forth, and published.

“And, for because we would the said articles and every of them should be taken and understanden of you, after such sort, order, and degree, as appertaineth accordingly; we have caused, by the assent and agreement of our said bishops, and other learned men, the said articles to be divided into two sorts, whereof the one part contains such as be expressly commanded by God, and be necessary to our salvation; and the other contains such things as have been of a long continuance, for a decent order and honest polity, prudently instituted and used in the Church of our realm, and be for that same purpose and end to be observed and kept accordingly, although they be not expressly commanded of God, nor necessary to our

salvation. Wherefore we will and require you to accept the same, after such sort as we have here prescribed them unto you, and to conform yourselves obediently unto the same: whereby you shall not only obtain that most charitable unity and loving concord, whereof shall ensue your incomparable commodity, profit, and lucre, as well spiritual as other: but also you shall not a little encourage us to take further travels, pains, and labours for your commodities in all such other matters as in time to come may happen to occur, and as it shall be most to the honour of God, the profit, tranquillity, and quietness of all you our most loving subjects.

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“ The Articles of our Faith.

“ First. As touching the chief and principal articles of our faith. Since it is thus agreed, as hereafter followeth, by the whole clergy of this our realm. We woll that all bishops and preachers shall instruct and teach our people by us committed to their spiritual charge, that they ought and must most constantly believe and defend all those things to be true, which be comprehended in the whole body and canon of the Bible, and also in the creed and symboles; whereof one was made by the Apostles, and is the commune creed which every man useth. The second was made in the holy council of Nice, and is said daily in the masse, and the third was made by Athanasius, and is comprehended in the Psalm, ‘ Quicunque vult; ’ and that they ought and must take and interpret all the same things according to the self-same sentence and interpretation, which the words of the said creed, or symboles, do purporte, and the holy approved doctors of the Church do entreat and defend the same.

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“ 2. Item. That they ought, and must repute, hold, and take all the same things for the most holy, most sure, and most certain, and infallible words of God, and such as neither ought ne can be altered or convelled, by any contrary opinion or authority.

“ 3. Item. That they ought and must believe, repute, and take all the articles of our faith, conteyned in the said creeds, to be so necessary to be believed for man’s salvation, that whosoever (being taught) woll not believe them as is aforesaid, or will obstinately affirm the contrary of them, or any of them,

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he or they cannot be the very members of Christ, and his espouse the Church, but be very infidels or heretiques, and members of the devil, with whom they shall perpetually be damned.

" 4. Item. That they ought, and must most reverently and religiously observe and kepe the self-same wordes according to the very same form and manner of speaking, as the articles of our faith be already conceived and expressed in the said creeds, without altering in any wise, or varying from the same.

" 5. Item. That they ought and must utterly refuse and condemne all those opinions, contrary to the said articles, which were of a long time past condemned in the four holy counsayles, that is to say, in the council of Nice, Constantinople, Ephesie, and Chalcedonense, and all others 'sithe that time in any point consonant to the same.'

"The Sacrament of Baptism.

"Seconde. As touching the holy sacrament of baptism, we will that all bishopps and preachers shall instruct and teach our people, committed by us unto their spiritual charge, that they ought and must of necessity believe certainly all those things which hath been already alway by th'ole consent of the Church approved, received, and used in the sacrament of baptism; that is to say, that the sacrament of baptism was instituted and ordayned in the New Testament by our Saviour Jesu Christ, as a thing necessary for th' attayning of everlasting lief, according to the saying of Christ, 'Nisi quis renatus fuerit ex aqua et Spiritu Sancto, non potest intrare in regnum cœlorum.'

" 2. Item. That it is offered unto all men, as well infants as such as have the use of reason, that by baptism they shall have remission of synnes, and the grace and favour of God, according to the saying of John, 'Qui crediderit, et baptizatus fuerit, salvus erit.'

" 3. Item. That the promise of grace and everlasting lief, which promise is adjoynd unto this sacrament of baptism, pertaineth not only unto such as have the use of reason, but also unto infants, innocents, and children, and that they ought therefore and must needs be baptized: and that by the sacrament of baptism, they do also obtaine remission of their sinn, the grace

and favour of God, and be made thereby the very sonns and children of God; insomuch that infants and children dying in their infancy, shall undoubtedly be salved thereby, or else not. HENRY
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“4. Item. That infants must needs be christened, because they be born in original synne, which synne must needs be remitted, which cannot be done but by the sacrament of baptism, whereby they receive the Holy Ghost, which exerciseth his grace and efficacy in them, and purifyeth them from synne, by his most secret vertue and operation.

“5. Item. That children or men once baptized, can, ne ought ever to be baptized again.

“6. Item. That they ought to repute and take all the Anabaptists’ and the Pelagians’ opinions, contrary to the premises, and every other mann’s opinion agreeable unto the said Anabaptists’ or the Pelagians’ opinions in this behalf, for detestable heresies, and utterly to be condemned.

“7. Item. That men or children having the use of reason, and willing and desiring to be baptized, shall, by vertue of that holy sacrament, obteyne the grace and remission of all their synnes, if they shall come thereunto perfectly and truly repentant, and contrite of all their synnes before committed, and also perfectly and constantly confessing and believing all the articles of our faith, according as it was mentioned in the article here before, or else not.

“8. And finally, if they shall also have firme credance and trust in the promise of God, adjoynd to the said sacrament; that is to say, that in and by this said sacrament which they shall receive, God the Father giveth unto them, for his Son Jesu Christ’s sake, remission of all their synnes, and the grace of the Holy Ghost; whereby they be newly regenerate, and made the very children of God, according to the saying of Christ, and his apostle Saint Petre: ‘*Pœnitentiam agite, et baptizetur unusquisque vestrûm in nomine Jesu Christi in remissionem peccatorum, et accipietis donum Spiritûs Sancti:*’ and according also to the saying of St. Paul ad Titum, 3. ‘*Non ex operibus justitiæ quæ fecimus nos, sed secundum suam misericordiam salvos nos fecit per lavacrum regenerationis et renovationis Spiritûs Sancti, quem effudit in nos opulentè, per Jesum Christum servatorem nostrum, ut justificati illius gratia hæredes efficeremur juxta spem vitæ æternæ.*’

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“The Sacrament of Penance.”

“Third. Concerning the sacrament of penance: we wold that all bishoppes and preachers shall instruct and teach our people committed by us unto their spiritual charge, that they ought and must most constantly believe, that that sacrament was institute of Christ in the New Testament, as a thing so necessary for man's salvation, that no man which after his baptism is fallen agayne, and hath committed deadly sinne, can without the same be salved, or attayne everlasting life.

“2. Item. That like as such men, which after baptism do fall agayne into synne, if they do not penance in this life, shall undoubtedly be damned: even so whensoever the same men shall convert themselves from their said naughty life, and do such penance for the same, as Christ requireth of them, the declaration whereof followeth, they shall without doubt attayne remission of their synnes, and shall be salved.

“3. Item. That this sacrament of perfite penance which Christ requireth of such manner of persons, consisteth of three parts; that is to say, contrition, confession, with amendment of the former life, ‘and a new obedient reconciliation’ to the lawes and will of God; that is to say, exterior actes, in works of charitie, according as they be commanded of God, which be called in Scripture, ‘fructus digni poenitentia.’

“Furthermore, as touching contrition, which is the first parte, we wold that all bishoppes and preachers shall instruct and teach our people, committed by us unto their spiritual charge, that the said contrition consisteth in two special parts, which must always be conjoynd together, and cannot be dissevered; that is to say, the penitent and contrite man must first acknowledge the filthiness and abomination of his own synnes, (whereunto he is brought by the hearing and considering of the will
124. of God, declared in his lawes,) and feeling and perceiving in his own conscience, that God is angry and displeased with him for the same, he must also conceive not only great sorrow and inward shame, that he hath so grievously offended God, but also great fear of God's displeasure towards him; considering that he hath no works or merrits of his owne, which he may worthily lay before God as sufficient satisfaction for his synns; which done, then afterwards with this fear, shame, and sorrow must needs succeed, and be conjoynd the second parte, viz., a

certain faith, trust, and confidence of the mercy and goodness of God, whereby the penitent must conceive certain hope and faith, that God will forgive him his synnes, and repute him justified and of the number of his elect children, not for the worthyness of any meritt or worke done by the penitent, but for the only meritts of the blood and passion of our Saviour Jesus Christ.

“ Item. That this certain faith and hope is gotten, and also confirmed and made more stronge, by th’ applying of Christ’s words and promises of his grace and favour conteyned in his Gospel, and the sacraments instituted by him in the New Testament; and therefore, t’ attayne this certain faith, the second part of pennance is necessary; that is to say, confession to a priest, if it may be had; for the absolution given by the priest was institute of Christ, to apply the promise of God’s favour and grace to the penitent.

“ 3. Wherefore, as touching confession, we will that all bishoppes and preachers shall instructe and teach our people committed by us unto their spiritual charge, that they ought and must certainly believe, that the words of absolution pronounced by the priest, be spoken by the authoritie given unto him by Christ in the Gospel.

“ 4. Item. That they ought and must give no less faith and credence to the same wordes of absolution so pronounced by the ministers of the Church, than they would give unto the very wordes and voice of God himself, if he should speak unto us out of heaven, according to the saying of Christ, ‘*Quorum remiseritis peccata, etc. et qui vos audit me audit.*’

“ 5. Item. That in no wise they do contemne this auricular confession which is made unto the ministers of the Church, but that they ought to repute the same as a very expedient and necessary meane, whereby they may require and ask this absolution at the priestes hands, at such time as they shall find their conscience grieved with mortal synnes, and have occasion so to do, to th’ intent they may thereby attayne certain comfort and consolation of their consciences.

“ 6. As touching the third part of pennance, we will that all bishoppes and preachers shall instructe and teach our people committed by us to their spiritual charge, that although Christ and his death be the only sufficient oblation, sacrifice, satisfaction and recompence, for the which God the Father forgiveth

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and remiteth to all synners, not only their synnes, but also eternal pain due for the same; yet all men truly penitent, contrite, and confessed, must needs also bring forth the fruits of penance; that is to say, prayer, fasting, almes-deeds, and all other good workes, and expresse their obedient will in the executing and fulfilling of Godd's commandments outwardly, when time, power, and occasion shall be ministered unto them, or els they shall never be saved; for this is the expresse precept and commandment of God, 'Agite fructus dignos penitentium:' and Saynt Paul saith, 'debitores sumus:' and in another place he saith, 'quemadmodum exhibuistis,' &c. And in another place also he saith, 'castigo corpus meum, et in servitium redigo.'

"Item. That these precepts and works of charity be necessary works to our salvation, and God necessarily requireth that every penitent man shall performe the same, whensoever time, power, and occasion shall be ministered unto him so to do.

"Item. That by penance and such good works of the same, we shall not only obtaine everlasting life, but also we shall deserve remission or mitigation of these present pains and afflictions in this world, according to the saying of St. Paul, 'Si nos ipsi iudicaverimus, non iudicabimur a Domino.' Et Zacharias, 'Convertimini ad me, et ego convertar ad vos.' Et Esa. lxiii. 'Frange esurienti panem tuum, &c. tunc eris velut hortus irriguus.' Et Deus remisit peccata Ninevitis propter ipsorum penitentiam; hæc sunt inculcanda ecclesiis, et ut excitentur ad bene operandum, et in his ipsis operibus exerceant, et confirmet fidem, petentes et expectantes a Deo mitigationem presentium calamitatum.

"The Sacrament of the Altar.

"Fourth. As touching the sacrament of the altare, wee will, that all bishops and preachers shall instructe and teach our people, committed by us unto their spiritual charge, that they ought and must constantly believe, that under the form and figure of bread and wine, which wee there presently do see, and perceive by outward senses, is verily, substantially, and really conteyned and comprehended the very self-same body and blood of our Saviour Jesus Christ, which was born of the Virgine Mary, and suffered upon the cross for our redemption.

And that under the same forme and figure, of bread and wine, the very self-same body and blood of Christ is corporally, really, and in very substance, exhibited, distributed, and receaved of all them which receave the said sacrament: and that therefore the said sacrament is to be used with all due reverence and honour, and that every man ought first to prove and examin himself, and religiously to trye and search his own conscience before he shall receive the same, according to the saying of Saint Paul: 'Quisquis ederit panem hunc, aut biberit de poculo Domini indignè, reus erit corporis et sanguinis Domini: probet autem seipsum homo, et sic de pane illo edat, et de poculo illo bibat; nam qui edit aut bibit indignè, judicium sibi ipsi manducat et bibit, non dijudicans corpus Domini.'

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"Justification.

"Fifth. As touching the order and cause of our justification, we woll that all bishopps and preachers shall instructe and teach our people committed by us unto their spiritual charge, that this word justification signifieth remission of our synnes, and our acceptation or reconciliation into the grace and favour of God, that is to say, our perfite renovation in Christe.

"Item. That synners attaine this justification, by contri- 125.
tion and faith, joyned with charitie, after such fashion and manner as wee before mentioned and declared; not as though our contrition, or faith, or any works proceeding thereof, can worthyly merit or deserve to attayne the said justification; for the only mercy and grace of the Father, promised freely unto us, for his Sonn's sake Jesus Christ, and the meritts of his blood, and his passion, be the only sufficient and worthy cause thereof; and yet that notwithstanding, to th' attaining of the said justification, God requireth to be in us, not only inward contrition, perfect faith and charitie, certaine hope and confidence, with all other spiritual graces and motions, which, as wee said before, must necessarily concure, in remission of our sinnes, that is to say our justification; but also he requireth and commandeth us, that after wee be justified, we must also have good works of charitie, and obedience towards God, in the observing and fulfilling outwardly of his lawes and commandments; for although acceptations to everlasting

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life be conjoynd with justification, yet our good works be necessarily required, to the attayning of everlasting life; and wee being justified, be necessarily bound, and it is our necessary duty to do good works, according to the saying of St. Paul, 'Debitores sumus non carni, ut secundum carnem vivamus; nam si secundum carnem vixerimus, moriemur; sin autem Spiritu, facta corporis mortificaverimus, vivemus; etenim quicumque Spiritu Dei ducuntur, hi sunt filii Dei.' And Christ saith, 'Si vis ad vitam ingredi, serva mandata.' And St. Paul, 'De malis operibus,' sayeth, 'qui talia agunt, regnum Dei non possidebunt.' Wherefore wee woll that all bushoppes and preachers shall instruct and teach our people committed by us to their spiritual charge, that God necessarily requireth of us to do good works, commanded by him; and that not only outward and civil works, but also the inward spiritual motions and graces of the Holy Ghost: that is to say, to dread and fear God, to have sure confidence and trust in God, to invoke and call upon God, to love God, to have patience in all our adversities; to hate synne, and to have certain purpose and will, not to synne again, and such other like motions and vertues. For Christ sayeth, 'Nisi abundaverit justicia vestra plusquam Scribarum et Phariseorum, non intrabitis in regnum coelorum;' that is to say, wee must not only do outward civil good works, but also we must have these aforesaid inward spiritual motions, consenting and agreeable to the law of God.

"Of Images.

"As touching images. Truth it is, that the same hath been said in the Old Testament, for the great abuses of them to have been sometime destroyed and put down; and in the New Testament they have been also allowed, as good authors do declare; wherefore wee woll, that all bishoppes and preachers shall instruct and teach our people committed by us unto their spiritual charge, how they ought and may use them; and first, that there may be attributed unto them, that they be representors of virtue and good example; and that they also be by occasion the kindlers and stirrers of mens minds, and make men oft to remember and lament their synnes and offences; especially the images of Christ and our Lady, and that therefore it is meet they should stand in the churches, and

none otherwise to be esteemed: and to th' intent the rude people should not from henceforth take such superstition, as in time past it is thought that the same hath used to do; we woll that our bishoppes and preachers diligently shall teach them, and according to this doctrine reforme their abuses, for else there might fortune idollatrie to insue, which God forbid: and as for censeing of them, and kneeling and offering unto them, with other like worshippings; although the same hath entered by devotion, and fallen into custome, yet the people ought to be diligently taught, that they in no wise do it, nor think it meet to be done, to the same images, but only to be done to God and his honour: although it be done before the images, whether it be of Christ, of the crosse, or of our Ladye, or of any other saint beside.

"Of Honouring of Saints.

"As touching the honouring of saints, wee woll that all bishoppes and preachers that instruct and teach our people committed by us unto their spiritual charge, that saints now being with Christ in heaven, to be honoured of Christian people in earth, but not with that confidence and honour, which are only due to God; trusting to attaine at their hands, which must be had only of God: but that they be thus to be honoured, because they be known th' elect persons of Christ, because they be passed in godly life out of this transitory worlde, because they already do reign in glory with Christ; and most specially to laud and praise Christ in them, for their excellent vertues which he planted in them, for example of and by them, to such as are yet in this world, to live in vertue and goodness: and also not to fear to die for Christ and his cause, as some of them did, and finallye to take them, in that they may, to be the advancers of our prayers, and demands unto Christ. By these ways and such like, be saints to be had in reverence and honour, and by none other.

"Of Praying to Saints.

"As touching praying to saints, wee woll that all bishoppes and preachers shall instruct and teach our people committed by us unto their spiritual charge, that albeit grace, remission

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of synnes, and salvation cannot be obtained but of God only, by the mediation of our Saviour Christ, which is only sufficient mediator for all our synnes, yet it is very laudable to pray to saints in heaven everlastingly lyveing, whose charity is ever permanent to be intercessors, and to pray for us, and with us to Almighty God, after this manner.

- “ ‘ All holy angels and saints in heaven pray for us, and with us unto the Father, that for his deare Son Jesus Christ’s sake, wee may have grace of him, and remission of our synnes, with an earnest purpose, not wanting ghostly strength, to observe and keep his holy commandments, and never to decline from the same againe unto our lives end.’ And in this manner wee may pray unto our blessed Lady, to Saint John Baptist, to all
126. and every of the Apostles, or any other saint particularly, as our devotion doth serve us ; so that it be done without any vain superstition, as to think that any saint is more mercifull, or woll here us sooner than Christ, or that any saint doth serve for one thing more than other, or is patron of the same : and likewise we must keep holy dayes unto God in memory of him, and his saints, upon such dayes as the Church hath ordained their memories to be celebrate, except they be mittigated or moderated, by the assent or commandment of the supreme head to the ordinaryes, and then the subjects ought to obey it.

“ *Of Rites and Ceremonies.*

“ As concerning the rites and ceremonies of Christ’s Church, as to have such vestments in doing God’s service as be and have been most part used : as sprinkling of holy water, to put us in remembrance of our baptism, and of the blood of Christ sprinkled for our redemption upon the cross : giving of holy bread, to put us in remembrance of the sacrament of the altar ; that all christened men be one body mystical of Christ, as the bread is made of many graines, and yet but one loafe ; and to put us in remembrance of our receiving of the holy sacrament and body of Christ, the which we ought to receive in right charity ; which in the beginning of Christ’s Church men did more often receive than they use now-a-days to do : bearing of candles on Candlemas-day, in memory of Christ, the spiritual light ; of whom Simeon did prophesie, as is read in the church that day : giving of ashes on Ash-Wednesday, to

put in remembrance every Christian man, in the beginning of Lent and pennance, that he is but earth and ashes, and there-
to shall return; which is right necessary to be uttered from henceforth in our mother tongue, always on the same day: bearing of palmes on Palm-Sunday, in memory of receiving of Christ into Hierusalem a little before his death, that we have the same desire to receive him in our hearts: creeping to the cross, and humbling ourselves to Christ on Good-Fryday, before the cross; and offering there unto Christ before the same, and kissing of it in memory of our redemption, by Christ made upon the cross: setting up of the sepulchre of Christ, whose body after his death was buried: the hallowing of the font, and other like benedictions by the ministers of Christ's Church; and all other like laudable customs, rites and ceremonies, be not to be condemned and cast away, but to be used and continued as things good and laudable, to put us in remembrance of those spiritual things, that they do signifie; not suffering them to be forgotten, or to be put in oblivion; but renewing them in our memories, from time to time: but none of these ceremonies hath power to remit sins, but only to ster and lift up our minds unto God, by whom only our sins be forgiven.

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VIII.*" Of Purgatory.*

" For as much as due order of charity requireth, and the book of Maccabees and divers ancient doctors plainly shew, that it is a very good and charitable deed to pray for souls departed; and for as much also, as such usage hath continued in the Church so many years, even from the beginning, wee woll that all bishopps and preachers shall instruct and teach our people committed by us unto their spiritual charge, that no man ought to be grieved with the continuance of the same. And that it standeth with the very due order of charity, for a Cristian man to pray for souls departed, and to commit them in our prayers to God's mercy; and also to cause other to pray for them in masses and exequies, and to give almes to other to pray for them; whereby they may the sooner obtain the mercy of God, and the fruition of his glory: but for as much as the place where they be, the name thereof, and kind of paines there also, be to us uncertain by Scripture; therefore this with all other such things we remit to God Almighty,

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unto whose mercy it is meet and convenient for us to commend them, trusting that God accepteth our prayers for them, referring the rest wholly to God, to whom is known their estate and condition.

"Wherefore it is much necessary that such abuses be clearly put away, which under the name of purgatory hath been advanced: as to make men believe that through the bishop of Rome's pardons, souls might be clearly delivered out of purgatory, and all the pains of it; or that masses said at Scala Coeli, or otherwise in any place, or before any image, might likewise deliver them from all their pains, and send them strait to heaven: and other like abuses.

"Signed,

A list of
those who
subscribed
the articles.

- | | |
|---------------------------------------|--------------------------------------|
| <i>Thomas Cromwell.</i> | <i>Hugo Abbas de Redyng.</i> |
| <i>T. Cantuariens.</i> | <i>Robertus Abbas de Malmesbury.</i> |
| <i>Johannes London.</i> | <i>Johannes Abbas Croylandie.</i> |
| <i>Johannes Exon.</i> | <i>Robertus Abbas Sti Albani.</i> |
| <i>Johannes Lincoln.</i> | <i>Johannes Abbas de Bello.</i> |
| <i>Johannes Bathoniens.</i> | <i>Ricardus Abbas de Winchell-</i> |
| <i>Thomas Eliens.</i> | <i>comb.</i> |
| <i>Johannes Bangor.</i> | <i>Thomas Prior de Covent.</i> |
| <i>Johannes Lincoln. nomine pro-</i> | <i>Johannes Abbas de Osney.</i> |
| <i>curatorio pro Domino Ro-</i> | <i>Robertus Abbas de Waltham.</i> |
| <i>land. Coven. et Litchfield.</i> | <i>Johannes Abbas de Cirencestr.</i> |
| <i>Nicolaus Sarum.</i> | <i>Robertus Abbas de Thame.</i> |
| <i>Edcardus Hereford.</i> | <i>Henricus Abbas de Gratiis.</i> |
| <i>Hugo Wygorn.</i> | <i>Gabriel Abbas de Buckfestría.</i> |
| <i>Johannes Roffen.</i> | <i>Henricus Abbas de Wardona.</i> |
| 127. <i>Willielmus Norwicen.</i> | <i>Robertus Prior sive Magister</i> |
| <i>Ricardus Cicestren.</i> | <i>Ordinis de Sempringham.</i> |
| <i>Willielmus Meneven.</i> | <i>Johannes Prior de Newbery.</i> |
| <i>Robertus Assaphen.</i> | <i>Thomas Abbas de Stanley.</i> |
| <i>Willielmus Abbas Westm.</i> | <i>Ricardus Abbas de Bruera.</i> |
| <i>Johannes Abbas de Bury.</i> | <i>Robertus Prior Eliens.</i> |
| <i>Ricardus Abbas de Glaston.</i> | <i>Radulphus Prior de Lynn.</i> |
| <i>Thomas de Abingdon.</i> | <i>Willielmus Abbas de Vale Dei.</i> |
| <i>Willielmus Abbas de Illeestre.</i> | <i>Ricardus Prior de Lanthony.</i> |
| <i>Clemens Abbas de Ecesham.</i> | <i>Willielmus Prior de Bergaten.</i> |
| <i>Clemens Abbas de Burton. Sti</i> | <i>Johannes Teoxber. Abbas.</i> |
| <i>Petri.</i> | <i>Robertus de Thorney Abbas.</i> |

Ricardus de Notley Abbas. Johannes Prior de Merton.
Willielmus de Stratford Abbas. Bartholomeus de Owerrey."

HENRY
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There is a larger list of subscriptions in an instrument in the Cotton library, engrossed in vellum; and which carries the face of an original.

Biblioth.
Cotton.
Cleopatra,
E. 5. fol. 59.

This instrument, which it is probable was drawn up by the convocation, recites the members who subscribed in the upper house. It stands thus,

"Signed,

<i>Thomas Cromwell.</i>	<i>Johannes de Bello Abbas.</i>
<i>T. Cantuariens.</i>	<i>Willielmus Sti Petri Glocestr.</i>
<i>Edocardus Ebor.</i>	<i>Abbas.</i>
<i>Johannes London.</i>	<i>Ricardus Winchellcombens. Ab-</i>
<i>Cuthbertus Dunelmens.</i>	<i>bas.</i>
<i>Johannes Lincoln. nomine pro-</i>	<i>Johannes de Croyland Abbas.</i>
<i>curatorio pro Domino Jo-</i>	<i>Robertus de Thorney Abbas.</i>
<i>hanne Exon.</i>	<i>Robertus de Waltham Abbas.</i>
<i>Jo. Bathoniens.</i>	<i>Johannes Cirencestr. Abbas.</i>
<i>Thomas Eliens.</i>	<i>Johannes Teoxber. Abbas.</i>
<i>Johannes Lincoln. nomine pro-</i>	<i>Thomas Prior Covent.</i>
<i>curatorio pro Domino Ro-</i>	<i>Johannes de Osney Abbas.</i>
<i>land Covent. et Litchfield.</i>	<i>Henricus de Gratiis Abbas.</i>
<i>Johannes Bangor.</i>	<i>Antonius de Eynsham Abbas.</i>
<i>Nicolaus Sarisburien.</i>	<i>Robertus Prior Elten.</i>
<i>Edocardus Hereforden.</i>	<i>Hugo Prior de Huntingdon.</i>
<i>Hugo Wygorn.</i>	<i>Robertus Prior sive Magister</i>
<i>Johannes Roffen.</i>	<i>Ordinis Sempringham.</i>
<i>Ricard. Cicest.</i>	<i>Ricardus de Notley Abbas.</i>
<i>Willielmus Norwicens.</i>	<i>Willielmus de Stratford Abbas.</i>
<i>Willielmus Meneven.</i>	<i>Gabriel Abbas de Bucfestria.</i>
<i>Robert Assaphen.</i>	<i>Henricus Abbas de Wordona.</i>
<i>Robertus Sti Albani Abbas.</i>	<i>Johannes Prior de Merton.</i>
<i>Willielmus Westmonaster. Ab-</i>	<i>Ricardus Prior de Walsing-</i>
<i>bas.</i>	<i>ham.</i>
<i>Johannes Buriens. Abbas.</i>	<i>Thomas Abbas de Gerendon.</i>
<i>Ricardus Glastonice Abbas.</i>	<i>Thomas de Stanly Abbas.</i>
<i>Hugo Abbas de Redyng.</i>	<i>Ricardus de Bitlesden Abbas.</i>
<i>Robertus Malmesber. Abbas.</i>	<i>Ricardus Prior de Lanthony.</i>
<i>Clemens Evishamens. Abbas.</i>	<i>Robertus Abbas de Thame.</i>

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Johannes Prior de Newenham.
Radulphus Prior de Kyme.
Ricardus de Bruera Abbas.
Robertus de Welhoe Abbas.

Bartholomeus de Ocerrey Prior.
Willielmus de Bergaveny Prior.
Thomas de Abindon Abbas."

By this larger list of the bishops, it appears that some of the northern prelates concurred in the articles with those of Canterbury. Whereas the instrument in the Paper-office was drawn up only to show the agreement of this latter province.

To proceed: the Cotton library affords a list of subscriptions of the lower house of Convocation; but this only relates to the clergy of the province of Canterbury. The order stands thus:—

" R. Gicent Archidiaconus London. et Breck.	Gamaliel Clyfton, Dec. Eccles. Heref. et Proc. Capit.
Roberus Alridge Archid. Col- cest.	Johannes London. Decanus Wallingford.
Thomas Bedel Archid. Cornub.	Nicolaus Medcalfe Archid.
Ricardus Street Archid. Derby.	Roffen.
David Pole Archid. Salop. et Proc. Cleri Coven. et Litchf.	Gulielmus Hedge Procurator Cleri Norwicens.
Ricardus Doke Archid. Sa- rum.	Adam Traves Archid. Exon.
Edmondus Bonner Archid. Leycestr.	Ricardus Woleman Dec. Wellen.
Thomas Baghe Archid. Sur.	Thomas Brereword Archidiac. Har. Procur. Capit. et Cleri Exon.
Ricardus Rawson Archid. Es- sex.	Georgius Carew, Archid. Toten. Proc. Capit. et Cleri Oxon.
Edmundus Cranmer Archid. Cantuar.	Thomas Bennet Proc. Cleri et Capituli Sarum.
Polydorus Virgilius Archid. Wellens.	Ricardus Arche Proc. Cleri et Capit. Sarum.
Ricardus Coren Archid. Oxon.	Petrus Lighman Proc. Cleri Cant.
Henricus Morgan Procurator Cleri Lincoln.	Edmundus Steward Proc. Cleri Winton.
Milo Spencer Procurator Cleri Norwicens.	Johannes Rayne Proc. Cleri Lincoln.
Gulielmus Knight Archid. Ces- trie.	Leonardus Savile Proc. Cleri Archid. Leucon.

<i>Symon Matthew Proc. Cleri London.</i>	<i>Mauritius Griffyth Proc. Cleri Roffen.</i>	HENRY VIII.
<i>Humphrid Ogle Archid. Salop.</i>	<i>Gulielmus Bukmaistre Proc. Cleri London.</i>	
<i>Ricardus Layton Archid. Bucks.</i>	<i>Ricardus Shelton. Mag. Colleg. de Metyngham, per me Gulielmum Glyn Archid. Angles.</i>	
<i>Gulielmus Maye Proc. Cleri Elien.</i>	<i>Robertus Evans Decan. Bangoren.</i>	
<i>Rolandus Phillips Proc. Capit. Eccles. Cathedralis Divi Pauli.</i>	<i>Gualterius Cretygn Archid. Bathonens.</i>	
<i>Johannes Bell Archid. Glocestrie.</i>	<i>Thomas Bagard Procurator Cleri Wigornen.</i>	
<i>Hugo Coren. Proc. Cleri Hereford.</i>	<i>Johannes Nase Proc. Cleri Bathen. et Wellen.</i>	
<i>Ricardus Sparkeford Proc. Cleri Hereford.</i>	<i>Georgius Wyndham Archid. Norwicen.</i>	
<i>Georgius Heneage Decanus Lincoln.</i>	<i>Johannes Chambers Decanus Divi Stephani et Archid. Bedford.</i>	
<i>Petrus Vannes Archid. Wigorn.</i>	<i>Nicolaus Wilson."</i>	

In this list of subscriptions in the Cotton library there are 128. eighteen bishops, forty abbots and priors. And in the lower house of convocation the articles are subscribed by fifty; of these there are four deans of cathedrals, twenty-five archdeacons, three deans of collegiate churches, seventeen proctors for the clergy, or convocation men for the dioceses as they are called, and one master of a college.

By perusing these articles, the reader may perceive several of the most shocking doctrines of the Roman communion were softened and explained to a more inoffensive sense, and several superstitious usages discharged. And being thus come forward towards an accommodation, the lord Herbert seems to wonder they could not agree. He complains of the heat and obstinacy of both parties, thinks they contended more for victory than truth; and that some of the preachers and schoolmen would rather have embroiled the whole world than risk their reputation with their audience by retracting in the least circumstance. He takes notice, further, that the reformers being the weaker side, suffered most by their stiffness, and were several of them

Some of the doctrines of the Church of Rome reformed in the articles.

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Lord Her-
bert, p. 406.

burnt in the controversy. Amongst these, William Tyndal lost his life at the stake near Brussels in the Low Countries. He lived regularly, and had no slender share of parts and learning; but he did not always manage a dispute with decency and temper. However, these barbarities against the gospellers, as they were called, inflamed the difference, and drew an odium upon the Roman Catholics.

The king and clergy having proceeded thus far in the reformation of the Church, endeavoured to guard against foreign opposition. His highness had reason to believe the approaching council at Mantua would censure our late proceedings in religion. To weaken the authority of this council therefore, and make it more inoffensive, it was thought proper the bishops and clergy should come to a resolution concerning the force of such an assembly, and by whom it ought to be convened. The instrument drawn up and signed upon this occasion runs thus:—

*The sense of
the convoca-
tion with
respect to
general
councils.*

“As concerning general councils, like as we (taught by long experience) do perfectly know that there never was, ne is any thing devised, invented, or instituted by our forefathers more expedient, or more necessary for the establishment of our faith, for the extirpation of heresies, and the abolishing of sects and schisms, and finally for the reducing of Christ's people unto one perfect unity and concord in his religion, than by the having of general councils, so that the same be had and congregated in *Spiritu Sancto*, and be also conform and agreeable as well concerning the surety and indifference of the places, as all other points requisite and necessary for the same; unto that wholesome and godly institution and usage, for the which they were at first devised and used in the primitive church: even so on the contrary side, taught by the like experience, we esteem, repute, and judge, that there is, ne can be, any thing in the world more pestilent and pernicious to the common weale of Christendom, or whereby the truth of God's Word, as in times past or hereafter, may be sooner defaced and subverted, or whereof has, and may ensue more contention, more discord, and other develish effects, than when such general councils have or shall be assembled nor christendly nor charitably; but for and upon private malice, and ambition, or other worldly and carnal respects or considerations, according to the

saying of Gregory Nazianzenus in his epistle to one Procopius, wherein he writes this sentence following: 'Sic sentio si verum scribendum est, omnes Conventus Episcoporum fugiendos esse, quia nullius Synodi finem vidi bonum, neque habentem magis solutionem malorum, quam incrementum. Nam cupiditates contentionum et gloriæ (sed ne putes me odiosum ista scribentem) vincunt rationem.'

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"Wherefore we think that Christian princes especially, and above all things, ought and must, with all their wills, power, and diligence, foresee and provide, 'ne sanctissima hac in parte majorum instituta ad improbissimos ambitionis aut malitiæ effectus explendos, diversissimo suo fine et sceleratissimo pervertantur, neve ad alium prætextum possint valere et longè diversum effectum orbi producere, quam sanctissima rei facies præ se ferat.' That is to say, 'Lest the most noble, wholesome institutions of our elders in this behalf be perverted to a most contrary and wicked end and effect. That is to say, to fulfil and satisfy the wicked affections of men's ambition and malice; or lest they might prevail for any other colour or bring forth any other effect than their most virtuous and laudable countenance doth outwardly show unto the world or pretend.' And, first of all, we think that they ought principally to consider who has the authority to call together a general council. Secondly. Whether the causes alleged be so weighty and so urgent that necessarily they require a general council, nor can otherwise be remedied. Thirdly. Who ought to be judges in the general council. Fourthly. What order of proceeding is to be observed in the same; and how the opinions or judgments of the fathers are to be consulted or asked. Fifthly. What doctrines are to be allowed or defended, with divers other things, which, in general councils, ought of reason and equity to be observed. And as unto the first point we think, that neither the bishop of Rome, ne any one prince, of what estate, degree, or preeminence soever he be, may by his own authority, call, indiet, or summon any general council without the express consent, assent, and agreement of the residue of Christian princes; and especially such as have within their own realms and signories 'imperium merum;' that is to say, of such as have the whole, intire, and supreme government and authority over all their subjects, without knowledging or recognizing of any other supreme power or authority. And

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this to be true, we be induced to think by many and sundry as well examples as great reasons and authority. The which, forasmuch as it should be over long and tedious to express here particularly, we have thought good to omit the same for this present. And in witness that this is our plain and determinate sentence, opinion, and judgment touching the premises, we, the prelates and clergy underwritten, being congregated together in the convocation of the province of Canterbury, and representing the whole clergy of the same, have to these presents subscribed our names the twentieth of July, in the year of our Lord 1536, 28 Hen. VIII.

Thomas Cromwell.

Thomas Cantuar.

Johannes London;

with thirteen bishops more."

Lord Herbert, p. 406,
from Records.
Journal of
Convocation,
fol. 64.

The abbots, priors, archdeacons, deans, and other convocation-men, were forty-nine.

Bp. Burnet,
pt. 1. p. 174.
See Records,
num. 37.

129. Several of the bishops had formerly been consulted by the king upon this argument; to tell the precise time is somewhat difficult: but it was certainly after April, 1534, as appears from the subscription of Thomas Goodrick, bishop of Ely, who was not till then promoted to that see. The record is considerably larger, and subscribed by more bishops, &c., than that mentioned by bishop Burnet; for this reason I shall transcribe it for the reader. In the latter part of this instrument, the twentieth chapter of St. John, the twenty-second and twenty-third verses, and Acts the twentieth, verse the twenty-eighth, are cited to prove the independency of the sacerdotal function on the civil magistrate. And by Cranmer's subscribing with the rest, it is plain his sentiment concerning the seat of Church government was not unorthodox at present.

To proceed: the king was now fortified with a declaration of the clergy relating to a general council; in which, amongst other things, they maintain, it neither belonged to the pope, nor any one prince whatsoever, to convene an œcumenical synod: his highness, I say, being thus supported by this solemn concurrence, published a protestation against the council indicted at Mantua.

See Records,
num. 38.
Father
Paul's Hist.
Council of
Trent, lib. 1.

Father Paul takes notice of this remonstrance. It goes upon these grounds:—"That the pope had no power to con-

vene a general council; that the juncture was unseasonable, upon the score of the war in Italy; and further, that no freedom of debates could be expected at that place. The king continues, that he was very desirous of a fair, well-qualified council, but at this of the pope's summoning, he was resolved neither to appear in person, nor by his ambassadors; the bulls of the bishop of Rome signifying no more, in his highness's judgment, than the summons of any other bishop. That the ancient councils were called by the authority of princes: that this custom ought to be revived: for now the pope's pretensions and conduct are one of the grievances of Christendom, and the mismanagement of his court particularly complained of: that it was not unusual with popes to break their word: that himself had more reason than other princes to suspect the fair dealing of that prelate; he having sufficiently discovered his disaffection since his authority was renounced and his Peterpence stopped in England. That if the pope had the choice of the place, it would be either within his own territories, or in the dominion of some prince dependent on him. In short, a council rightly constituted being impracticable, his highness thought it the best way for every prince to reform at home. In the close of the protestation, he declares himself resolved never to give way to any excess of innovation, or depart from the doctrine of the Catholic Church."

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*The king's
protestation
against the
council sum-
moned to
Mantua.*

About this time the king set forth his injunctions to retrench the number of holydays. The instrument complains these festivals had grown so numerous, that there was scarce time to gather in the harvest. That such frequent relaxations from labour brought on a habit of idleness, and were oftentimes abused to intemperance and riot. The injunctions run in the king's name, with the assent of the prelates and clergy in convocation.

*Injunctions
for the abro-
gating several
holydays,
&c.*

To proceed: the feast of the dedication of churches is ordered to be kept upon the first Sunday in October, and upon no other day.

The feast of the patron of every church, commonly called the Church holyday, is thrown up, and laid open to business.

All those feasts, likewise, which fall either in harvest or term time, are discharged, and every man left at liberty to work in them.

CROMWELL.
Hist. Chart.

Hist. vol. 2.
p. 286.

The feasts of the Apostles, of the blessed Virgin, and all those festivals in which the judges do not usually sit at Westminster, are excepted. However, all priests and clerks, both secular and regular, were allowed to perform their accustomed service in their churches, provided they did not do it in a solemn manner, nor enjoin the same duty upon others.

This year Cromwell set forth injunctions of the tenor following:—

Cromwell's
injunctions.

"In the name of God, amen. In the year of our Lord one thousand five hundred and thirty-six, and of the most noble reign of our sovereign lord Henry VIII., king of England and of France, the twenty-eighth, and the day of
I, Thomas Cromwell, knight, lord Cromwell, keeper of the privy seal of our said sovereign lord the king, and vicegerent unto the same: for and concerning all his jurisdiction ecclesiastical within this realm, visiting by the king's highness' supreme authority ecclesiastical the people and clergy of this deanery of _____ by my trusty commissary lawfully deputed and constituted for this part, have, to the glory of Almighty God, to the king's highness' honour, the public weal of this his realm and increase of virtue within the same, appointed and assigned these injunctions ensuing to be kept and observed by the dean, parsons, vicars, curates, and stipendiaries, resident or having cure of souls, or any other spiritual administration within this deanery, under the pains hereafter limited and appointed.

Regist.
Cromwell.
fol. 97.

"First. In all parishes and places of preaching, the king's supremacy was to be set forth and maintained once every Sunday, for a quarter of a year together; and afterwards twice a year at least. They were likewise to instruct the people, that the bishop of Rome's authority, being unsupported by the laws of God, was justly disclaimed.

"Secondly. That in the articles lately set forth by the king's highness, and agreed to by the prelates and clergy in convocation, some things are points of faith, and necessary to be believed: whereas others are of a lower class, and relate to certain commendable rites and ceremonies, instituted only for the sake of decency and order, and for the more solemn performance of divine service: the said dean, parsons, &c. are to

range these articles under their proper distinctions, and instruct their audience in the respective necessity, quality, and usefulness of them. HENRY
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“Thirdly. That the late order concerning the discharging certain superstitious holydays should be read to the people, with exhortations to govern themselves accordingly.

“Fourthly. That they should not lay out their rhetoric in flourishing upon images, relics, or miracles upon any motive of superstition or covetousness: that they ought not to persuade their people to pilgrimages, contrary to the intendment of the late articles, but rather exhort them to serve God and make provision for their families. And if they have any thing to spare, they are to inform them, that the bestowing it on the poor, will be more acceptable to God Almighty, than making a present to images and relics. 130.

“Fifthly. That in their sermons and other religious exercises, they put parents and other directors of youth in mind to teach their children the Lord’s Prayer, the Creed, and the Ten Commandments in their mother tongue; that these summaries of belief, devotion, and manners should be repeated by the young people till they are perfect in them: and to prevent the mischief and temptations of idleness and poverty, they ought to be bred to learning, or some other honest business.

“Sixthly. That sacraments and sacramentals be duly and reverently administered by the parsons, vicars, &c. And if any happen to be non-resident upon the privilege of royal license or act of parliament, that then they take care to leave learned and sufficient curates in their place.

“Seventhly. That every parson or proprietary of a church should provide a Bible in Latin and English to be laid in the choir for every one to read at their pleasure. But here they were to precaution the people against falling into controversy about difficult passages. They were to exhort them to modesty and sobriety in the use of this liberty: and where they found themselves entangled, to apply to persons of learning and character.

“Eighthly. That the said deans, parsons, vicars, &c. should not go to public houses, excepting upon necessary occasions. That they are to avoid intemperance and unlawful diversions, such as tables, cards, &c., and on the contrary employ their leisure hours in reading the Scriptures: always remembering

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that they ought to be particularly unexceptionable in their behaviour, and live for the example of others.

"Ninthly. Because the estates of the Church are called the patrimony of the poor, and yet not employed for that purpose in liberal proportions; therefore, all parsons, vicars, prebendaries, and other beneficed men, which can spend twenty pounds a-year, or more, are enjoined to distribute a fortieth part of their spiritual revenue amongst their poor parishioners, the churchwardens being present at such distributions.

"Tenthly. That every parson, vicar, or beneficed man who has a hundred pounds a-year, or more, in Church promotions, shall, for every such hundred pounds a-year, allow a competent exhibition to maintain a scholar either in grammar schools, or in one of the universities: that these scholars, when they had made a proficiency in learning, might assist their patrons in the functions of their cure, or else prove serviceable to the public in some other distinguished station.

"Eleventhly. That all parsons, vicars, and clerks having churches, chapels, or houses belonging to their livings, shall expend the fifth part of their benefices, till such places are sufficiently repaired.

"Lastly. All these injunctions were to be observed under the penalties of suspension and sequestration."

These injunctions, we may observe, were only directed to the deans, and downwards. Thus the lord Cromwell had something of modesty in his wonderful office, and forbore the brandishing his vicegerency over the bishops.

August 21.
Shirburne,
bishop of
Chichester,
his death
and cha-
acter.

About this time, Robert Shirburne, bishop of Chichester, departed this life. He was ninety-six years of age, and for this reason, it is probable, he resigned his see a little before his death. Bishop Godwin reports him a person of great prudence and capacity for business; that he managed several embassies to commendation, under king Henry VII. He was likewise remarkable for largeness of mind, kept an hospitable table, and was charitable to the poor. He left several ornaments of value to his church, and had this for his motto, "Dilexi decorem domus tui, Domine." He was succeeded by Richard Samson, doctor of law, who was consecrated no longer since than June the ninth.

Godwin de
Presul.
Angl.

To this Shirburne I shall subjoin Richard Nix, bishop of Nor-

wich, who died in January last. He is said to "have offended the king signally by some correspondence with Rome, and was kept long in the Marshalsea and convicted, and found in a *præmunire*." But this relation goes only upon conjecture, and looks improbable, even from Nix's age and behaviour: for he was a very old man, and had been blind for many years: and as he could have no prospect of advantage from such a correspondence, so neither did he manage like one that would risk his fortune for any religion: for as to regularity, he was a person of a very slender character. The true cause of his conviction and imprisonment was this: the town of Thetford, in Norfolk, made a presentment upon oath, before the king's judges in proof of their liberties. The matter alleged was, that none of the said town ought to be cited into any spiritual consistory, but only into the court of the dean of Thetford; and that whosoever cited any inhabitant of that town into another spiritual court, should forfeit six and eightpence, *toties quoties*. The bishop taking this as a check upon his jurisdiction cited Richard Cokarel, mayor of Thetford, and some others, into his court, and enjoined them, under the penalty of excommunication, to summon a jury of their town, and cancel the former presentment. For this the bishop was prosecuted in the King's Bench, cast in a *præmunire*, and had judgment executed upon his person and estate, pursuant to the statute. This was done in the beginning of the year 1534. The king afterwards, upon his submission, discharged him out of prison; however, he was not pardoned without a fine, with part of which it is said the glass windows of King's College chapel, in Cambridge, were purchased.

During the vacancy of the see, the king nominated William Abbot, of St. Bennet's, but took into his own hands all the manors of the bishopric. For the seizing this large endowment, there was nothing given in exchange but the abbey of St. Bennet's in the Holm, the priory of Hickling, in Norfolk, and a prebend in the collegiate church of St. Stephen's, Westminster. This exchange was confirmed in the parliament begun February the fourth, and dissolved April the fourteenth this year.

Notwithstanding a late act of parliament had mentioned the prohibited degrees of consanguinity and affinity, and drawn a short table to disentangle the disputes about marriage, yet this

HENRY
VIII.

*Nix, bishop
of Norwich,
his death,
with the
reason of
his being
prosecuted.*
Bp. Burnet,
pt. 1. p. 215.

Godwin de
Presul.
Angl.

Term
Hilary,
25 Hen. 8.
coram Rege,
Rot. 15.

Harmer,
p. 44. et
deinc.

*The king
seizes the
manors of
the bishopric
of Norwich,
and returns
a slender
exchange.*

Harmer,
p. 46.
Bp. Burnet,
pt. 1. p. 215.

CRAN-
MER,
Abp. Cant.

provision being somewhat short, the matter continued perplexed, and gave a colour to unjustifiable liberty. To give an instance: one Massey, a courtier, contracted himself to his wife's niece. This engagement would not pass without the 131. archbishop's dispensation. The lord Cromwell being solicited, wrote to Cranmer in Massey's behalf. It was mentioned in the letter, that Massey's wife was dead, and that the case was not within the prohibition of the statute.

Cotton,
Libr. Cleop.
E. 5.

The archbishop, having too much probity to be swayed by Cromwell's greatness, returned him an answer to this effect:

*Cranmer's
resolution
of a case
concerning
marriage.*

He acquaints him, "that, by the law of God, many persons are prohibited marriage without particular and express pointing upon the case. That here the prohibition is to be collected by consequence and parity of reasoning. Thus St. Ambrose tells us a matrimonial relation with a niece is forbidden by the law of God: though we do not read in Leviticus, in so many words, that the uncle and the niece shall not marry; but since such a relation between the nephew and the aunt is there declared unlawful, we may fairly conclude the niece and the uncle are barred the same engagement. Thus, though the case of the daughter marrying her father is passed over in Leviticus, yet, since the son's marrying his mother is expressly forbidden, it is easy to come to a resolution of the point with respect to the daughter. To come to the present case: since, by the Levitical prohibition, the nephew is prohibited marrying the uncle's wife, we must infer, from the equi-distance of the degrees, that it is not lawful for the niece to be married to the aunt's husband." The archbishop adds, he could have fortified his opinion with more reason and authorities, but what he had said already he thought was altogether sufficient."

Fox's Acts
and Monu-
ments,
p. 960.
Strype's
Memor.
Cranmer,
p. 46.

When the late bill for stating the prohibited degrees of marriage was read in the house of Lords, Cranmer moved for some amendments; and that the cases of mother and mother-in-law, daughter and daughter-in-law, and so forwards to a further length in the right line, might be expressed. He would likewise have had the supplemental provision carried on to sister and sister-in-law, aunt and aunt-in-law, niece and niece-in-law. Had the act been penned with this compass, all the prohibited

degrees expressed and not expressed in the holy Scriptures would have been comprehended.

HENRY
VIII.

To proceed: The seizure of the estates of the lesser abbeys were not generally acceptable to the people; they found hospitality decay, the farmers' rents were raised, and the poor increased upon the country. It is true the king, to make these dissolutions go down the better, had by his letters-patent returned about ten of them, and founded them anew. This number was within half a year increased to one-and-thirty.

Bp. Burnet,
pt. 1. p. 204.
and Collect.
of Records,
book 3.
num. 3.
sect. 2.

But this instance of royal bounty was not sufficient, it seems, to quiet the people: for, besides their grievances in the loss of the abbeys, the "fifteens," granted by act of parliament, were looked on as unseasonable burdens, and too heavy for the condition of their fortune. And here the prime minister Cromwell was thought to mismanage: for, to project a reformation and load the subject with taxes at the same time, was reckoned a dangerous experiment. And indeed it proved so in the event: for now the people began to grow loud in their mutinies, and fly to arms in several places. It is true they did not all agree in their remonstrance, nor break out in their revolt at once.

The Lincolnshire men took the field first: they were headed by one Dr. Mackerel, prior of Barlings, who styled himself Captain Cobler. These men, as they were the earliest in the rebellion so they were the most moderate in their demands.

An insur-
rection in
Lincoln-
shire.

"They petitioned the king in very submissive language: their grievances were the late dissolution of the religious houses, and the act concerning uses. This statute, they pretended, restrained the subjects' liberty in the declaration of their wills.

The rebels'
petition.
27 Hen. 8.
cap. 15.

As to the fifteenths, they only pleaded poverty against that burthen. To go on with their remonstrance: they complained his grace had persons disaffected to the public interest at the council-board; that he employed men of mean birth in the ministry,—and here Cromwell was particularly named. They suggest further, that several bishops had made a change in the fundamental doctrines; and that they had reason to apprehend the jewels and plate of their parish churches would be seized, and fall under the same calamity with the religious houses. To deliver his poor loyal subjects from such apprehensions, and for redress of the grievances above-mentioned, they humbly desire his majesty would make use of the nobility

CRAN-
MER,
Atq. Cant.

in the administration, and give such effectual directions as might put his subjects in a condition to submit to his grace's government, and pay their duty to him as supreme head of the Church of England: which title, they owned, belonged to his highness by hereditary right. And, in the close, they promise his majesty the tenth and first fruits of spiritual promotions of the yearly value of twenty pounds and upwards; and of all others under the said value, where the incumbents failed in residence and hospitality."

Ld. Herbert,
p. 410, &c.

*Their plausible
oath.*

The publishing these articles increased their numbers to a considerable body; and, to give the insurrection the better colour, they swore to be true to God, the king, and the commonwealth. And thus, since they were their own casuists, and interpreted the oath to what latitude they pleased, they were safe enough.

October 10.

The king, being advertised of their motions, and that they began to have a formidable countenance, sent Charles Brandon, duke of Suffolk, against them. He had a commission to raise forces at discretion. At the same time the king wrote to the rebels. The letter was couched in terms somewhat ambiguous. He seemed to promise them justice, as they called it; but then this condescension was clogged with several demands; and particularly he required that two of the principal rebels should be put into his hands. This answer of the king's was ill received by the rebels, who ordered their forces to march, and threatened to destroy some persons of condition unless they would acquiesce and go along with them. These gentlemen, who pretended themselves dragged and menaced into the service, acquainted the duke of Suffolk with the obstinacy of the revolvers: that, unless they had managed them with some art, prevailed with them to slacken their march, and petition the king, they had been advanced as far as Huntingdon; and that nothing but a general pardon would make them disband.

The duke of Suffolk, perceiving an indemnity would quiet them, solicited in their behalf. He likewise persuaded them not to march till they received the king's answer. His majesty, being informed that the people in several parts of the kingdom, and especially in Yorkshire, began to run into disorder, thought it the best way to apply to strong remedies, and exert the force of the government; and finding no time was to be lost, he ordered the earls of Shrewsbury, Rutland, and Huntingdon, to

command the Lincolnshire men to disperse immediately, and lay down their arms at their utmost peril. The terror of this proclamation made a great many quit the service and go home. However, those who had most obstinacy, and least to lose, retreated to the Yorkshire insurrection; the remainder were at last persuaded by their leaders to make the submission required,—that is, they owned their fault, delivered up their arms, and promised to be governed by all the statutes made in this reign.

HENRY
VIII.

*They dis-
perse upon
the king's
proclama-
tion.*

While the Lincolnshire revolt was unsuppressed, the Yorkshire men appeared in arms under the command of one Robert Aske. They called the insurrection a "pilgrimage of grace;" and to make this pretence pass upon the unwary, several priests marched before the rebels with crosses erected, and the troops had the crucifix, the five wounds, and the chalice, in their colours. And being desirous to engage persons of quality, they solicited William, lord Dacres, of Gillisland, in the first place. This lord had been lately tried for holding correspondence with the Scots, but was acquitted by his peers. This usage they thought might have given him a disgust against the government, and made him pliant to their purpose; but he refused to join them. This disappointment did not discourage them from tampering with others; and thus, where courting would not do, they made use of rougher methods, haling in several men of quality, and made them swear to the cause. This revolt was blanched like the other, and carried a very plausible appearance: for they pretended to engage only for the good of the king and commonwealth, for the interest of religion, and the suppression of heresy.

*Another
rebellion in
the north.*

As this numerous body marched southward, they were frequently addressed by the monks of the dissolved monasteries. Aske put several of them in possession as opportunity served, advised them to pray for the king, and to take up provision of their farmers upon bills till their houses were restored. The king, receiving advice of this rebellion, and that the commons of Richmond, Lancashire, Durham, Westmoreland, &c., had fired the beacons against the government, was not a little alarmed. He ordered the earl of Shrewsbury to march with a considerable body against the northern men. He wrote also to the earl of Derby to raise what forces he could. At this dangerous juncture, Courtney, marquis of Exeter, the king's

*The rebels
restore the
ejected
monks.*

CRAN-
MER,
Abp. Cant.

cousin-german, and the earls of Huntingdon and Rutland, offered the crown their service; and, to frighten the monks from applying to the rebels and returning to their old seats, his highness ordered that the religious of Sally, Wally, Norton, and Hexham, should be dragged out of the monasteries, and executed by martial law; and receiving intelligence of the insurrection's growing stronger, he despatched Thomas Howard, duke of Norfolk, with troops to reinforce the earl of Shrewsbury.

*Pomfret
Castle sur-
rendered to
them.*

In the mean time, Aske and his army, coming up to Pomfret castle, obliged Lee, archbishop of York, and Thomas, lord Darcy, to surrender the castle, and take the associating oath. The contents of this engagement, besides what has been already mentioned, were the preservation of the king and the royal family, the purging the nobility, and discharging all evil counsellors and persons of mean extraction from the administration. The archbishop and lord Darcy pretended want of ammunition and provision; but the strength of the castle made some people suspect their integrity. This success made way for a further progress: for, soon after, the rebels were masters of York and Hull, and either caressed or frightened most of the quality into their interest. Besides the colour of religion, they spread several calumnies which increased their party. They gave out that all the gold of England was to be touched at the Tower; that the king claimed all the cattle unmarked, and the furniture and ornaments of parish churches; that a tax would be laid upon christenings, weddings, and buryings; and that they must pay for licences to eat white bread and the better sort of diet.

October 20.

To proceed: The earl of Shrewsbury sent a herald to Pomfret with a proclamation. The herald was brought before Aske, who sat in state between the archbishop and the lord Darcy. This general, being informed of the contents, refused the reading of the proclamation. However, he was so civil as to grant the herald a safe-conduct, as long as he wore his coat.

The king, now at Windsor, prepared to take the field, and ordered the nobility to join him at Northampton. It was time to make the best provision, for now the rebels were thirty thousand strong. They ranged themselves in three divisions, and appeared before Doncaster. The duke of Norfolk, the

earl of Shrewsbury, and the marquis of Exeter, covered the town with a body but of five thousand men, though better appointed than the enemy. They endeavoured to make good the two passes to the town, the bridge and the river Don. This river was fordable; and had it not been for the falling of a great rain that night, the enemy in all likelihood would have passed it the next day. The duke of Norfolk, being sensible how necessary it was to gain time till the king's forces were drawn together, entertained the rebels with a treaty, and prevailed with them so far as to send a petition to the king. It was carried by Sir Ralph Elesker and Robert Bowes. The duke promised to go with them, upon condition of a cessation of arms, which was granted. When they came to court, the duke having pre-acquainted the king with the posture of affairs, the commissioners were introduced with their petition. The king, being informed by the duke that the rebels began to disperse, took some time to return an answer. The setting a treaty on foot had created misunderstandings among the rebels, and made them distrust each other. Besides, the king's friends took care to spread a report that the principal revolvers would desert the association, make terms for themselves, and leave the rest to justice. And now, the danger growing less, the king countermanded the rendezvous at Northampton. At last, to clear all suspicion of mysterious dealing, he dismissed Elesker and Bowes, and returned the rebels an answer by the duke of Norfolk. He likewise sent a safe-conduct for three hundred persons to meet at Doncaster for adjusting matters. The king's answer, penned by himself, was to this effect:—

HENRY
VIII.

October 26.
*The duke of
Norfolk
treats with
them at
Doncaster.*

Ld. Herbert,
p. 417, from
Records.

"First, concerning the maintenance of the faith, the terms are so generally laid down, that it is very hard to reach the meaning, and return an answer; but if they understand the faith of Christ, we protest it is, and always has been, our intention to live and die in the belief and defence of it. We are 133. strangely surprised therefore, to find ignorant people have the assurance to instruct us in the doctrines of faith; especially, since we have some reputation for letters, and have had the concurrence of our whole clergy in convocation, for the settling these points. We cannot, therefore, but wonder at the ingratitude, and unnatural behaviour of these men to their rightful king and sovereign; that without any ground on our part, they

*The king's
answer to
their peti-
tion.*

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should give credit to rumours and false reports, and suspect us of unsound belief, when all our reign is a proof of the contrary.

"Secondly. As to the maintenance and liberties of the Church; the proposition is so perplexed, that without distinguishing, there is no dealing with it; either with respect to the laws of God, or the constitution. For first, they must tell us, what Church they mean: secondly, whether the liberties they insist on are either lawful or serviceable to the king and kingdom? Let the affirmative of both these points be made out, and we shall not scruple the giving them satisfaction. But let them involve their meaning as much as they please; this we dare affirm, that we have done nothing unserviceable to the public interest, or which will not stand the test of both human and divine laws: and as to our Church of England, of which we are the supreme head on earth, our predecessors have loaded that body with heavier burdens upon less occasions. Since, therefore, our commons are nothing concerned in the pretended grievance of this article, we cannot but take it very unkindly, that they had rather a churl or two should spend the revenues of their monasteries upon luxury and licentiousness, than that their prince should have them to enable him to support the government, and protect his subjects."

The third article consists of three branches: the first concerns the laws; the second, those who execute them by our commission: the third relates to the commonwealth in a more general manner.—"Touching the laws; as the blind are no judges of colours, so we dare boldly affirm, as a thing that may easily be made good, that in no one reign of our predecessors, there have been so many beneficial acts made, as in our time. And as to the condition of the commonwealth, what prince has maintained his dominions in peace and wealth, so long as we have done? and that without doing or receiving any injury. What prince has administered justice more impartially to all degrees of his subjects? When have they been better defended from foreign invasion? Who has been at greater expense in fortifying his frontiers, and guarding the interest and repose of his people? These things being all so apparent and beyond dispute, it is strange presumption in you our subjects to fancy the contrary. And whereas it is pretended our council-board was furnished with a great many of the nobility in the beginning of our reign, and from hence a comparison of disadvantage

is drawn upon our present administration: to this we shall condescend to answer, that, at our accession to the throne, there were but two of the temporalty, the lord treasurer, and the lord high steward, who deserved to be called noblemen; and of the spirituality, none but the archbishop of Canterbury and the bishop of Winchester: for as for the lords Marny and Darcy, they were only gentlemen of private extraction, and slender fortunes, till raised to wealth and honour by us. If therefore our subjects were satisfied then with this small appearance of the nobility, why should they not be better pleased now, when we have thrice the number of quality in our privy council? And because it is necessary we should have some at the board learned both in the constitution of our realm, and the law of nations, we have thought fit to make use of some persons thus qualified. And now we must put you in mind, that both we and all our council think it very strange, that you, who are but brutes upon the matter, and people of no talent or experience, should take the freedom to pronounce upon the merit of the ministry, prescribe us our council, and instruct us in the measures of government. By what we have observed to you, you may perceive how much you have been abused by the reports of some incendiaries. But though out of our great clemency and condescension, we are willing to disentangle our people, and rescue them from those mistakes they have been led into by malcontents; yet we would have them all know, that it does not belong to any subject to presume so far, as to tell his prince, how, and by whose assistance he must govern. We expect therefore, that for the future, our subjects should recollect themselves better, manage within their duty, and not interpose where they have nothing to do.

HENRY
VIII.

*Here the
king men-
tions four
spiritual
lords and
eight tem-
poral.*

“To the fourth article, where the commons complain by name of certain of our council, as subverters of the laws of God, and those of the realm; we look upon this as an unjust imputation, and that the persons charged with misbehaviour have executed their commissions unexceptionably enough. However, if the contrary can fairly be proved, we shall dismiss them our service, and give them up to justice. But then if all this remonstrance is nothing but clamour and calumny, we conceive those who raise these injurious reports should suffer the same punishment they would draw upon others. As for your complaints, as if some of the prelates preached against the

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doctrines of the Church, you know nothing of these matters but by the report of others : for your distance from the bishops complained of is such, that you can charge nothing from your own hearing. We conjure you therefore, not to be so forward to arraign our government, and believe ill of us.

“ We are fully persuaded, that the rest of our commons, to whom you are but a handful in comparison, will scorn you for your presumption, and never endure your setting down rules for them and their sovereign. And whereas you, being rebels, would bring them into the revolt, and put them upon demanding a pardon, we verily believe they were not in the concert of the insurrection ; their actions declare the contrary : for immediately upon our orders, they have like loyal subjects appeared in the field both in defence of us and themselves.

“ As to your demands, we must let you know, that the pardon for such things as you insist on, is mere favour, and perfectly at the pleasure of the prince. But it seems by your lewd proclamations and safe-conducts, you have kings and counsellors among yourselves. But we cannot remember that we have resigned our station, or put them in any such post.

134. What insolence therefore is it in those wretches to raise our subjects without and against our authority ? To raise our subjects in our name without any commission, and upon our government ? To colour their rebellion with the pretence of public good, and for the redress of your grievances ? Whereas, were we not more merciful, these commotions would end in your utter confusion : wherefore, we must once more put you in mind, that did we not believe this shameful and unnatural rebellion proceeded more from levity and want of thought, than from malicious disloyalty, we should have punished the criminals in another manner than we now intend ; provided you humbly acknowledge your fault, and submit to our mercy.”

The pardon the duke of Norfolk brought down to Doncaster, excepted six by name, and four unmentioned. But every body looking upon themselves affected with the last exception, refused the conditions.

The king had lately sent down the articles of religion already mentioned : these, it seems, were ill received in the northern

parts, and reckoned innovations. To remove this misconstruction, an order was directed to the bishops, not to neglect the usual ceremonies of the Church.

HENRY
VIII.

See Records,
num. 39.

It seems some persons of distinction amongst the clergy were too much affected with the German model: this made them overrun the juncture, and reform too fast, if not too far in some things. Thus the king complains, some of them had omitted reading the articles, spoke with disregard of the ceremonies, and gone too far in novel opinion and practice. These singularities, as he conceives, had occasioned the commotions in the north: he therefore commands them to read the articles in their cathedrals, to recommend the customary ceremonies, not as essentials, but only as circumstances of solemnity, and subservient to devotion. They are likewise commanded not to entertain any clergyman that misbehaves himself in these matters.

A reprimanding letter directed to some of the bishops against innovations in the Church.

About this time the clergy of the north met at Pomfret, and agreed upon certain articles of religion to be proposed at the treaty. It seems something of this kind had been lately offered them, which they refused to subscribe: their exceptions are as follow.

Biblioth.
Cotton.
Cleop.
E. 5.
fol. 380.

"To the first article, we think that preaching against purgatory, worshipping of saints, pilgrimages, images, and all books set forth against the same; or against the sacraments or sacramentals of the Church, be worthy to be reprov'd or condemned by convocation, and the pain to be executed, that is devised for the doers to the contrary; and process to be made hereafter in heresy, as was in the days of king Henry IV.; and the new statutes whereby heresies have now lately been nourished, to be nulled and abrogated. And that the holydays may be observed according to the laws and laudable customs: and that the bidding of beads, and preaching, may be observed as has been used by old custom.

A remonstrance of the northern clergy against several statutes in this reign relating to religion.

"To the second, we think the king's highness, nor any temporal man, may not be supreme head of the Church by the laws of God, to have or exercise any jurisdiction or power spiritual in the same; and all acts of parliament made to the contrary to be revoked.

¹ *Meaning, in all likelihood, the divorce between the king and queen Catharine.*

"To the third, we say we be not sufficiently instructed in the fact, ne in the process therein made; but we refer it to the determination of the Church, to whom it was appealed¹.

CRAN-
MER,
Abp. Cant.

"To the fourth, we think that no clerk ought to be put to death, without degradation by the laws of the Church.

"To the fifth, we think that no man ought to be drawn out of sanctuary, but in certain cases expressed in the laws of the Church.

"To the sixth, we say that the clergy of the north parts have not granted nor consented to the payment of the tenths or first-fruits of benefices, in the convocation. And also, we may make no such personal grant by the laws of the Church; and we think that no temporal man, by the laws of God, has authority to claim any such tenths or first-fruits of any benefice or spiritual promotion.

"To the seventh, we think that the lands given to God, the Church, and religious men, may not be taken away, and put to profane usages, by the laws of God.

"To the eighth, we think dispensations upon just causes, lawfully granted by the pope of Rome, to be good, and to be accepted. And pardons have been allowed by the general councils of Lateran and Vienna, and by the laws of the Church.

"To the ninth, we think that by the laws of the Church, general councils, interpretation of approved doctors, and by consent of Christian people, the pope of Rome has been taken for the head of the Church, and vicar of Christ, and so ought to be taken.

"To the tenth, we think that the examination and correction of deadly sin belongs to the ministers of the Church by the laws of the same, which be consonant to God's laws. Further, we think it convenient, that the laws of the Church may openly be read in universities, as has been used heretofore. And that such clerks as be in prison, or fled out of the realm, for withstanding the king's superiority in the Church, may be set at liberty, and restored without danger. And that such books and works as do entreat of the primacy of the Church of Rome, may be freely read and kept, notwithstanding any prohibition to the contrary; and that the articles of premunire may be declared by acts of parliament, to the intent no man may be in danger thereof, without a prohibition first awarded. And that such apostates who be gone from religion without dispensation from the see of Rome, may be compelled to return to their houses. And that all sums of money, as tenths, first-fruits,

and other arrearages, granted unto the king by parliament or convocation, and due to be paid before the first day of the next parliament, may be remitted and forgiven, for the causes and reasons above expressed. HENRY VIII.

“And we the said clergy say, that for lack of time, instruction in these articles, and want of books, we declare this our opinion for this time; referring our determination of the premises to the next convocation. Also, we desire that the statute commanding the clergy to exhibit their dispensations granted by the pope before the feast of Michaelmas next coming, may be revoked at the next parliament.”

This last clause concerning the exhibiting their dispensations, refers to the 28 Hen. VIII. cap. 16. From whence we may conclude these demands of the northern clergy were made this year since the dissolution of the last parliament: and had we no other circumstance to state the chronology, the freedom of their remonstrance would point out the time: for we may reasonably infer, they durst not have insisted upon these 135. terms, without a strong insurrection to support them.

The archbishop of York was present at this assembly, but seems not to have gone the same length with the rest. He told them, the manner of their appearance was unwarrantable, and that an armed pilgrimage could not be lawful. After this there was a day appointed for a meeting at Doncaster: and here John lord Scroop, the lord Latimer, John lord Lumley, and Thomas lord Darcy, Sir Thomas Piercy, Robert Aske, and about three hundred more, were to treat with the duke of Norfolk, admiral Fitz Williams, and the rest of the king's commissioners. The conditions the rebels insisted on were these: “A general pardon; a parliament to be held in those parts, and a seat of justice erected; and that none north of Trent might be summoned to the courts at Westminster. They likewise moved for a repeal of the act of parliament for the last subsidy: of the statutes concerning uses, misprision of treason for words, tenths, and first-fruits: that the lady Mary might be declared legitimate, the pope restored to his customary jurisdiction, and the monks to their houses: that the Lutherans might be punished, and the lord privy seal, and the lord chancellor, not permitted to sit in the next parliament: and that the doctors Lee and Layton might be imprisoned for bribery and extortion.” These demands were

The military appearance of the northern men disliked by the archbishop of York.
Lord Herbert, p. 416.

Dec. 6.
The demands of the rebels.

CRAN-
MER,
Abp. Cant.

Dec. 9.

thought too insolent, and rejected at first: but the duke of Norfolk sending the king advice of his army being in no good condition to hazard a battle, his highness sent the rebels a general pardon: this giving satisfaction, they disbanded, and went home.

Feb. 1536-7.

Notwithstanding the rebels had left the field, and accepted their pardon, the king thought fit to take some further measures to prevent disturbance from that quarter. The duke of Norfolk therefore was ordered to keep his forces together, and take a further submission of the commons: and now they engaged to revoke all promises and oaths made in the former insurrection: to be true to the king, his heirs, and successors: to be governed by all acts of parliament passed in this reign: not to take arms without the king's authority: to apprehend all seditious persons: and lastly, to remove all monks, friars, and nuns they had settled in the monasteries lately dissolved.

Aske was brought up to the king, and, upon his submission above-mentioned, well received, and permitted to go where he pleased.

The rebellion breaks out again, and is crushed.

A parliament not being summoned to York as soon as was expected, and the people being apprehensive some of the chief revolvers would be called to account, took the field again under the conduct of Nicholas Musgrave, Thomas Tilby, and some others. This body, consisting of eight thousand, besieged Carlisle, but were beaten off by the garrison, and afterwards defeated by the duke of Norfolk. Sir Francis Bigot, and one Haylam, attempted the surprising of Hull about the same time, but miscarried in the enterprise, and were both taken, and executed. This second insurrection being quickly crushed, the lord Darcy, Robert Aske, Sir Robert Constable, Sir John Bulmer, Sir Thomas Piercy, Sir Stephen Hamilton, Nicholas Tempest, and William Lumley, were apprehended for high treason, and brought up to London. Not long after, the lord Hussey and the lord Darcy were beheaded; and several religious and others were executed at Hull, York, and elsewhere. The duke of Norfolk discharged his commission with great discipline and vigour, and despatched no small numbers by martial law. But now the king said he would close the tragedy, and stop the issue of blood. Thus he sent down another general pardon, which was extremely welcome; for

Aske hanged afterwards in chains at York.

Lat. Herbert,
p. 428.
Nov. 19,
1536.

the people were pretty much frightened by the duke's management.

HENRY
VIII.

I observed the northern rebels charged some of the bishops with innovating in religion. It is probable they had some reason for their complaint, for Barlow, bishop of St. David's, was informed against for delivering the following passages in a sermon.

"Imprimis. He affirmed and said, that wheresoever two or three simple persons, as two cobblers or weavers, were in company, and elected in the name of God, that there was the true Church of God." *An information against Barlow, bishop of St. David's.*

"Item. That it is not expedient for man to confess himself, but only unto God, for he will at all times accept and take any penitent man or woman to his mercy, if he cannot expediently have a priest.

"Item. That there neither is, nor was any purgatory; but it is only a thing invented and imagined by the bishop of Rome and our priests to have trentals and other mundane lucre thereby.

"Item. That if the king's grace, being supreme head of the Church of England, did choose, denominate, and elect any layman (being learned) to be a bishop; that he, so chosen, (without mention made of any orders) should be as good a bishop as he is, or the best in England."

Biblioth.
Cotton.
Cleop. E. 5,
fol. 383.

One Talley preached, before the bishop of St. David's, this doctrine amongst other things; viz. "That in times past, there was none that did preach or declare the word of God truly, nor the truth was never known till now of late."

These articles were exhibited to the right reverend father in God, the lord president of the king's council, in the marches of Wales, by one Roger Lewis, bachelor of law.

Jan. 11,
1536.
Ibid.

This year, Reginald Pole had a cardinal's hat given him by Paul III. He was of the blood royal, and cousin-german to the king, by both the houses of York and Lancaster. The king designed to breed him for the highest preferments in the Church, and make him no less eminent in learning, than he was for his extraction. He had the deanery of Exeter with some other preferments, to furnish him for study and travelling. He lost the king's favour at Paris, for refusing to subscribe for the divorce with the rest of the French universities. From France he travelled to Padua, where he settled a considerable

*Pole made
a cardinal.*

CRAN-
MER,
Abp. Cant.

Bp. Burnet,
pt. 1. p. 221.

*He refuses
to return
into Eng-
land at the
king's in-
stance.*

*He writes
his book "De
Unione Ec-
clesiastica,"
against the
proceedings
in England.*

*The bishop
of Durham's
letter to the
cardinal in
answer to
his book.
Biblioth.
Cotton.
Cleop.
E. 6.
fol. 385.
July 13,
1536.*

time. Here he was courted to the acquaintance of several persons of character for the belles-lettres. Among these were Contareno, Bembo, Caraffa, Sadoletti, and others. Rhetoric and the old Roman authors were the inclination of these men. In this study Pole made a great proficiency, and was much celebrated for his elocution.

The king had given him several invitations to return, and assist him in his affairs: but Pole declined the offers. At last, being further pressed, and thrown out of his excuses, he discovered his mind, told the king he could not approve his proceedings: that he neither understood his divorce from queen Catharine, nor his disengaging from the apostolic see.

The king in his answer desired the reasons of his disagreement, and sent him doctor Sampson's book in defence of what had been done. This discourse occasioned the writing of Pole's book "De Unione Ecclesiastica;" which was penned with something of acrimony, and made the cardinal appear a plain dealer with the king.

Tunstal, bishop of Durham wrote to Pole upon the subject of this controversy. His letter endeavours at a confutation of the cardinal's performance. He takes the freedom to acquaint Pole, "that he was neither satisfied with the manner, nor the matter of his eminency's book. As to the manner, he thought his sincerity went too far, and that his zeal had carried him to an invective. As to the matter, he blames the cardinal for charging the king with a defection from the Catholic Church, with encroaching on the privilege of the priesthood, invading the holy function, and pretending an authority to preach and administer the sacraments." To this, bishop Tunstal replies, "that Pole was much mistaken in matter of fact: that the king had a great esteem for the sacerdotal character, provided due qualifications were not wanting, and the management of the person answered up to the office: and to the charge of his departing from Catholic communion, his highness was much injured by such an imputation: for it had all along been his practice to adhere to the unity of the Catholic Church, to maintain the ancient doctrine, and conform to the worship and ecclesiastical government of the rest of Christendom. It is true," as the bishop continues, "he had rescued the English Church from the encroachments of the court of Rome: and if this be a singularity, he deserves com-

commendation: for the king has only reduced matters to their original state, and helped the English Church to her ancient freedom. And why should his majesty be blamed for hindering the exporting the public treasure, and putting a stop to the arbitrary measures of the bishop of Rome?"

HENRY
VIII.

The bishop proceeds, and puts Pole in mind, "that the popes, at their coming to the chair, made a solemn profession to observe the canons of the eight general councils. That by the regulations in these councils, there is no such monarchy settled on the see of Rome as is now pretended. The ancient Fathers knew nothing of the right of governing the universal Church, to which the modern popes have put up their claim."

It appears by what follows in the bishop's letter, that Pole had argued for the pope's supremacy from the New Testament, and urged our Saviour's promise to St. Peter.

"Now," says the bishop, "if these texts prove the papal supremacy, Pole must grant that the Fathers at the first council of Nice, and other œcumenical synods, were altogether mistaken: and, which is more, the apostles in their canons decree counter to the gospels written by themselves."

By the way, he supposes the apostles' canons penned by the authors whose names they bear.

To return. He instances some particulars: for the purpose; that the apostles' canons, and the councils above-mentioned, decreed that consecrations of bishops, ordinations of priests, together with such contests as might happen amongst the clergy, should be performed and determined within the diocese, or at least within the province. Now," continues the bishop, "it is unimaginable to conceive, that the first four general councils should have proceeded in this manner, and overlooked the pope's supremacy, if that privilege had been settled upon them in the New Testament."

And whereas Pole insisted upon custom and ancient usage, Tunstal replies that for the first thousand years the belief and practice of the Church was against him. "That in the primitive times, when the blood of the martyrs was fresh, and the Scriptures best understood; when faith was strongest, and virtue had the greatest ascendant; when things were in this state of advantage the customs of the Church must be better than those of latter ages; of latter ages, I say, when ambition and covetousness had made an impression upon Christendom.

CRAN-
MER,
Abp. Cant.

And whoever shall infer the papal authority now exercised, especially in temporal matters, from St. Peter's primacy, may, by parity of reason, make light and darkness the same thing." In proof of this point, the bishop refers Pole to cardinal Cusanus, in his second book "*De Concordia Catholica*."

As to Pole's objection, that the king has crossed upon the inclinations of his subjects in discharging the pope's authority; he tells him, "this is so far a mistake, that on the contrary, if the king should attempt the reviving the pope's power, he would find it a very difficult business to bring the subjects to this sentiment, and get a bill of that nature pass in parliament."

The bishop goes on, and takes notice, "that Pole had reproached him with want of resolution in not adhering to the apostolic see, and that the terrors of death overawed him in this matter." To this he answers, "that he did not think the cause would bear the losing an ounce of blood. And that the court of Rome had no reason to take it ill, that people refused to run any risks upon their account, for he was well satisfied themselves would venture nothing for any body else."

He conjures Pole "not to be swayed by any opinions delivered in his book; nor conclude the extent of the pope's authority from any submissions in Italy, or other parts of Europe: for the modern practice is no infallible interpreter of the New Testament: it is much safer to govern ourselves by the decisions of the earlier ages. Now it is evident from the councils above-mentioned, that no particular see has so extensive and monarchical a privilege. And that the preferences given to the bishop of Rome in those general councils were granted upon the score of the imperial city, and the see being the capital of the empire. It was for this reason that the pope had the precedence, and not because St. Peter and St. Paul exercised the apostolical function, and were buried in that city. In short, this prerogative was not drawn from any claim in the gospel, but granted in honour to the capital, and in conformity to the civil government. Thus the second rank or distinction was assigned the patriarchs of Constantinople, because that city was called New Rome, and made the residence of the emperors: and in consequence of this civil privilege, the see of Constantinople was preferred to that of Antioch, notwithstanding the name of Christendom began there, and St.

Peter was the first bishop. And upon the same consideration the see of Constantinople had the precedence of Alexandria, where St. Peter's disciple, St. Mark, sat: and of Jerusalem, where our Saviour himself preached, where the apostolical college was settled, and where James the brother of our Lord was first bishop: which church, till the city was destroyed, was called the mother of all churches. And notwithstanding these three churches had extraordinary pleas for regard, Constantinople was preferred to them all upon the ground above-mentioned. This, by the modern doctrine, being so great a partiality, and violation of divine right, these holy councils, and particularly the general one of Chalcedon, would never have agreed to it, if the gospel had determined the matter otherwise."

HENRY
VIII.

137.

From the councils the bishop refers Pole to the Fathers; and tells him, "if he will give himself the trouble to read St. Basil, St. Nazianzen, St. Chrysostom, and St. Damascene, he will meet with no such claims of spiritual empire, as the pope pretends to. And, to go somewhat higher, St. Cyprian speaks home to the point, and affirms that the Apostles were all equal by their commission." In the close, besides these topics from antiquity and religion, he puts Pole in mind "the interest of his family, the king's former kindness, and the regaining his favour, were no despicable motives."

Paris Hono-
ris ac Po-
testatis.
De Unitat.
Eccles.

It was not long before Tunstal received an answer from the cardinal. He complains in his letter the bishop "had not carefully perused his book; that otherwise the objections which were satisfied would not have been urged without mentioning the answers." From hence he proceeds to reply to some of the bishop's arguments. And as to Tunstal's endeavour to clear the king from invading the sacerdotal office because he did not pretend to preach or administer the sacraments, to this Pole rejoins, "that his taking the title of supreme head of the Church supposed him the fountain of spiritual jurisdiction; and, in case he had authority to delegate others, and commissionate them for such offices, does it not follow that he might execute the same whenever he pleased? Further, if the administration of the sacraments is the highest spiritual office, must it not belong to the supreme ordinary, and be annexed to the head of the Church?" He observes, in the next place, "that those authors who write in defence of the king's supremacy proceed upon this

Cardinal
Pole's
answer to
bishop
Tunstal.

CRAN-
MER,
Abp. Cant.

John 21. 17.

Biblioth.
Cotton.
Cleop. E. 6.
fol. 343.

*Pole made
legate, and
sent to the
Low Coun-
tries.*

*He is re-
fused ad-
mittance by
the queen
regent.*

Id. Herbert,
p. 424.

false ground,—that the Church and the State are one society. Now, this is a capital mistake: for these two bodies are instituted for different ends, and governed by independent authorities." He blames the bishop for citing the councils against him in general, and not alleging particular canons to disprove his principles. From hence he goes on to prove St. Peter's primacy from the text in St. John, "Feed my sheep," &c. And whereas the bishop had urged the learning of the English clergy as a counterbalance to those on the other side, Pole puts him in mind that Fisher and More, who died for the contrary persuasion, were not inferior to the rest in any branch of a great character. The cardinal seems surprised the subject of his book should be so unacceptable: he wonders those who argued to the king's dishonour, stuck a blemish upon his father's conduct, and charged his present majesty with living in incest one-and-twenty years together, should be reckoned his highness's friends; and that those, on the other side, who endeavoured to wipe off the calumny, and justify the king's first marriage, should be treated as enemies and traitors.—This is all which is necessary to be observed in this letter.

About this time the cardinal was made the pope's legate, and despatched to Flanders for a nearer correspondence with England. Our king, being informed of his character and journey, wrote to the French king either to deny him passage through his dominions, or deliver him up as a rebel; or, at least, not to treat him with the ceremony of a legate. The last request was granted, and Pole ordered to withdraw out of France at a very small warning. From hence he retired to the Low Countries; but the queen regent refused to afford him her protection. Hutton, the king's agent, had remonstrated to this princess against her receiving the cardinal, and declared it a breach of treaty in case he was entertained. Thus the cardinal was disappointed of a residence in the Low Countries, and his communication with his friends in England in a manner cut off. He complained loudly of this usage, charged the regent with disobedience to the apostolic see; but all to no purpose. Before he returned to Rome he sent a letter to the lord Cromwell. The purport of it was to purge himself from the imputation of disloyalty, and to protest he had no intention of disservice to the king.

In May last, this year, a parliament began in Ireland, and

made several statutes relating to the Church. For instance, an act was passed for constituting the king and his successors supreme head of the Church of Ireland. Appeals to Rome are prohibited. The first-fruits of bishoprics, livings, and religious houses, are granted to the crown. There was likewise a statute made, that no proctors of the clergy shall be reputed members of parliament. The preamble sets forth, that two proctors of every diocese were of custom summoned to parliament; but that, by law, they had no right of voting, but only assisted as counsellors in that assembly: their business being to declare their opinions when any controversy touching religion or learning happened to arise; and that, most commonly, they were made acquainted with all the business of parliaments, and their advice asked concerning all bills before they passed; that now these proctors temerarily presumed to claim a share in the legislature, and pretended themselves members of parliament. It is therefore enacted and ordained, that, for the future, none of these proctors, though summoned to parliament, shall be held any part of the legislative body, or their vote or assent reckoned necessary to any act.

HENRY
VIII.
*Irish acts of
parliament
relating to
the Church.*
Irish Sta-
tutes.
28 Hen. 8.
cap. 5.
28 Hen. 8.
cap. 6.
28 Hen. 8.
cap. 26.

By this statute we may perceive the inferior clergy had their representatives in the Irish parliaments, and that they insisted on a right of voting with the temporal commons.

To proceed: The pope's authority is disowned under the penalty of a præmunire, and it is made high treason to refuse the oath of supremacy. By this act all canons and ecclesiastical constitutions, not repugnant to the statutes and customs of the country, nor prejudicial to the prerogative royal, are continued till such time as the king or parliament shall make other provision. The lesser abbeys are suppressed, with a clause that the king and patentees should enjoy them in as large and beneficial a manner as they were held by the abbots. The grantees are obliged to keep hospitality, under the forfeiture of twenty pounds per annum. The act for granting faculties is much of the same nature with that made at Westminster in this reign; and, in short, most of these Irish bills are drawn upon the English model.

28 Hen. 8.
cap. 13.

28 Hen. 8.
cap. 16.
28 Hen. 8.
cap. 19.

I observed that several of the religious were executed for the northern and Lincolnshire rebellions: to be somewhat more particular, there were six abbots, and the prior of Burlington,

Godwin,
Annal.
Sanders de
Schism.
Anglic.

CRAN-
MER,
Abp. Cant.

*The northern
rebellion not
without a
colourable
pretence.*

five Lincolnshire priests, and several monks, who suffered for the insurrection.

Now, though rising upon the government is defiance of the laws, and not to be endured upon any pretence whatsoever, however, if resistance of the chief magistrate had been justifiable in any case, those who appeared in arms upon the dissolution of the monasteries had a strong colour for their undertaking. For were not the old land-marks set aside, and the constitution new modelled? For do not the liberties and immunities of the Church stand in the front of Magna Charta? And are they not particularly secured in the first place? Was not the king's coronation oath lamentably strained when he signed the dissolution act? For had he not sworn to guard the property of his subjects, to protect the religious, and maintain them in their legal establishment? The ancient nobility were thrown out of the patronage of their monasteries, lost their corrodiess, and the privilege of their ancestors' benefactions. The rents were raised, and the poor forgotten, as they complained, by the new proprietors. Besides, they were afraid their friends in the other world might suffer by these alienations, and the dead fare the worse for want of the prayers of the living. Granting, therefore, the matter of fact, that the prosecutions were legal, which way are the abbots more to be blamed than the barons who took up arms in defence of liberty and property, and appeared in the field against king John and Henry III.? The abbots, without question, had all the security the civil magistrate could give them: no estate could be better guarded by the laws. Magna Charta, as I observed, was made particularly in favour of these foundations, and confirmed at the beginning of every parliament for many succeeding reigns. These things considered, we must of necessity either condemn the barons, or acquit the monks and justify the northern rebellion.

By the way, the specious pretences for this commotion made the king very uneasy. His thoughts were so embarrassed that he had once resolved to quit his title of head of the Church, and return the pope his supremacy¹; but being apprehensive his resigning in so great a point might be construed to fear, he stood his ground, and dropped that resolution.

¹ Gardiner's
sermon
before king
Philip and
cardinal
Pole.
Fox, p. 1479.
Edit. 2d.

This year, Gardiner, bishop of Winchester, published his

book, "De Vera Obedientia," against the pope's supremacy. HENRY VIII.
 This book, treating a remarkable subject, and being in a very A brief abstract of Gardiner's book "De Obedientia."
 few hands, I shall give the reader a brief account of the argument. "This prelate at first seems only to contend for the king's civil supremacy: maintains that allegiance is due from all his subjects; that no privilege of religion can plead an exemption; and that a prince ought not to suffer in his prerogative by turning Christian. He endeavours to reconcile the texts which enjoin obedience to church governors: and here he grants teaching and administering the sacraments belongs to the clergy; but afterwards he disallows the distinction of making the king head in temporal causes, and assigning the jurisdiction of spiritual matters to the Church; and yet, by giving the clergy the function of preaching, he seems to make them judges in points of doctrine; and by granting them entrusted by our Saviour with the dispensation of the sacraments, he must grant, by consequence, that they are authorized to admit or exclude communion, as they shall think fit. To go on with him: he endeavours to prove the civil supremacy from instances in the Old Testament. He mentions a saying of Constantine to the bishops; but does not answer it. The emperor's sentence is this: 'I ought to be judged by you; and therefore will not pronounce sentence upon you.' He allows the calling the king head of the Church was an uncustomary style; but that it was necessary to make use of a new term for the revival of an old truth; that princes, being sovereigns of all their subjects, are to command their business, and assign every one their station. He goes on, and alleges several laws relating to the Church made by the emperor Justinian; and observes that the ancient kings of England exercised ecclesiastical jurisdiction, made regulations concerning heresy, and gave the bishops an enlargement of power." But here he mistakes matter of fact, and argues loosely. He observes rightly "the pope's supremacy owned by some of our kings, but that it was not 'jure divino;' and that precedents and customary submission to the see of Rome are not sufficient to carry the cause."

Heb. 13. 7
 and 17.
 Acts 20. 23.

P. 14 and 15.

P. 16.

P. 17.

P. 18.

P. 19.

P. 20.

"He endeavours to reinforce his reasoning further from the Old Testament, and urges the pope to prove his jurisdiction from Scripture. He affirms our Saviour did not insist on civil jurisdiction; but lived subject to the emperor, and reprimanded his disciples for their expectation of a temporal kingdom." But

P. 22.

CRAN-
MER,
Abp. Cant.

Euseb.
Eccles. Hist.
lib. 2. cap. 1.

P. 23. 29.

P. 31.

this can do Gardiner no service. What he says next is more to the point: that is, "there is not a syllable for the bishop of Rome's primacy in Holy Scripture. He takes notice from Eusebius, that, after our Saviour's ascension, the three chief Apostles—St. Peter, St. John, and St. James the Great—had no contests about superiority, but yielded the see of Jerusalem to the other St. James, called our Lord's brother." This testimony is very much to the purpose; but the bishop's reasoning is not uniformly strong; for now he sinks the authority of the Church, and makes the bishops no more than officers constituted by princes. He complains, "the popes do not answer their character, nor live up to their pretensions, This misbehaviour, he seems to conclude, affects their jurisdiction. St. Peter, as he continues, had no authority over the rest of the Apostles. His primacy was founded on his confession, on his extraordinary courage and zeal in the discharge of his commission; and that this privilege is entailed on his successors only upon condition of their being qualified as St. Peter was: that to be styled the 'chief,' with respect to others in the same business, implies personal excellency, but not dominion and command. Thus, to say a man is a physician or a painter of the first rank, does not suppose him in a post of jurisdiction, and that he is to govern the rest of his fraternity. Further, he urges the consent of the English nation for the king's ecclesiastical supremacy; that now they had all taken their leave of the pope; and that, since Paul III. had no apostolical virtues, he must not pretend to apostolical regard. However, he wishes his holiness well. In the close of the argument he puts an objection against himself. It might be said there was no agreement between his book and his practice. He had undertaken to press obedience, and failed notoriously in that branch of his duty. He had engaged his subjection to the court of Rome, sworn a submission to the pope and his successors, and solemnly obliged himself to defend the privileges and jurisdiction of the apostolic see. He received his episcopal character by the pope's consent, and was consecrated by his mandate, and yet, after all these ties and assurances, he has ventured to write against his supremacy, and renounce him in the most public manner. To take off the imputation of falsehood and perjury, he observes very well, that an engagement against right is by no means binding: for an oath was never intended a bond of

iniquity and a bar against repentance. He illustrates his case with a husband's marrying a second wife, living the former: living the former, I say, whom, after the best inquiry, he concluded dead. Thus he continued undisturbed in his second marriage; and, when his first wife returned from a foreign country and challenged him for her husband, he denied the relation; but, after she had made out her claim by legal proof, he lived with her again, and dismissed the second. This instance the bishop applies to his own case. He thought the pope's authority unquestionable at first, and submitted accordingly; but, when truth appeared, he found himself mistaken, and therefore ought not to be charged with breach of faith for altering his measures."

HENRY
VIII.

Bonner, afterwards bishop of London, wrote a preface to Gardiner's book. "He treats the pope with rough language, and complains the traditions were, for the most part, repugnant to the law of God. He commends the king for his piety and care of religion; excuses Gardiner for disentangling himself no sooner; and takes notice, this prelate was not the first that detected the pope of misbehaviour." This preface, as appears by the first page, was made, though not published, before the misfortune of queen Anne. As to Gardiner, he seems to have been a better statesman than controversial divine. For though his topics are sometimes good, yet, generally speaking, his reasoning is either foreign or faint. He floats in the dispute, flies off from consistency, and wants either force or direction.

P. 33, 34.
Bonner's
Preface.

The king having suppressed the insurrections above-mentioned, was under no apprehension of further disturbance. Being thus at ease in his government, he resolved to pursue his dissolution scheme, and go further with the religious. Thus there was a new visitation appointed for all the monasteries. The visitors had instructions to make a nice inquiry both into their loyalty and private behaviour. They were to examine how far they were sunk in superstition, and how affected to the king's supremacy. It was their business likewise to discover whether they had enriched themselves by imposture, deluded the people by counterfeit miracles, and misled them in their veneration for images and relics. This visitation brought on three surrenders this year. But of these things more afterwards.

*A second
visitation
of the
monasteries.*

A. D. 1537.

Bp. Burnet,
pt. 2. p. 235.

CRAN-
MER,
Abp. Cant.

*The dele-
gated car-
dinals re-
monstrate
against
several
abuses in
the Church.*
Sleidan.
Comment.
lib. 12.

*Luther and
Sturmius
ridicule
this essay
towards a
reformation.*

Ld. Herbert,
p. 426, 427.

This year the pope ordered the cardinals Contarino, Theatino, Sadolet, and Pole, to inspect the state of the Church, and make some regulations in his own court. They drew up a list of several abuses in discipline and government; but as to matters of doctrine, they would not allow any thing was amiss. This remonstrance gave occasion to the rectifying several disorders in that communion. Had this essay towards a reformation been well received by the Protestants, it is not improbable the other side might have gone further in their concessions, and relaxed in some points of belief. But Luther and Sturmius were stiff in their temper, and had too good an opinion of their plan. They made a public jest of the cardinals' business, and would endure no reformations but their own. Thus all hopes of accommodation vanished, and the breaches in the Church were kept open. The court of Rome being thus treated with contempt, were discouraged in the union-project, and thought it to no purpose to make any offers of further satisfaction.

*The pro-
testation
against the
council at
Mantua.*
See Records,
num. 38.

October 12.
*The birth
of prince
Edward.*

Ld. Herbert,
p. 429.

*The form
of bidding
beads in
Ireland.*
See Records,
num. 40.

A. D. 1537.

The time for the council, promised by the pope, drawing near, our king privately despatched William Paget and Christopher Mount to Smalcalde: their instructions were to dissuade the German princes from agreeing with the emperor or accepting the council. The king was apprehensive such an assembly of the bishops would pass no favourable censure upon what he had done; the French king and the emperor too had promised his proceedings should not be questioned, but he thought it not prudent to depend on such an assurance; and, therefore, after the Protestant princes had concurred with him in refusing the Mantuan council, he published a protestation against it; and to this year, upon recollection, I perceive the record above-mentioned must be referred.

This year, prince Edward was born at Hampton-court; but this satisfaction received an abatement by the queen's death, which happened two days after. The king was extremely disconsolate at the loss of this princess, and continued a widower for more than two years.

About this time a form of bidding the beads, or public prayers, was drawn up and sent into Ireland. It differs something from that already mentioned, and therefore I shall insert it for the reader.

This year a very remarkable book, called the "Institution

of a Christian Man," was published ¹. This book was composed in convocation three years before ; it was drawn up for a direction for the bishops and clergy.

HENRY
VIII.

¹ It was
printed by
Berthelet,
the king's
printer,
cum privi-
legio.

They were to govern themselves in the instruction of their flocks by this rule. It was an authoritative explanation of the doctrines of faith and manners, and a sort of standard for the desk and pulpit. For these reasons, and because the book is in a very few hands, I shall abridge some part of it for the reader. It is ranged under these divisions: the Creed; the Seven Sacraments; the Ten Commandments; the Lord's Prayer; the Ave-Maria; Justification; and Purgatory. I shall only abstract those places which are most uncommon.

The "Insti-
tution of a
Christian
Man" ab-
stracted.

To begin with the fifth article of the creed: "This article maintains a local descent of our Saviour into hell. And here hell is taken for the place of the damned. The end of our Saviour's coming hither in his state of separation was to spoil principalities and powers, to triumph over the kingdom of darkness, and to rescue all those righteous souls which died in the favour of God, and the belief of a Messiah to come. That, by this descent of our Saviour into hell, the sentence of eternal condemnation pronounced upon Adam and his posterity was reversed; the punishment consequent upon original or actual 140. sin discharged; and the dominion thence accruing to the devil over mankind determined.

Our Sa-
viour's
descent into
hell, how
understood.

"The article concerning the Catholic Church makes this body consist in the unity of faith, hope, and charity, and in the right use and administration of the sacraments; and that all the good works, gifts, and graces performed or conferred on any particular member, will be universally serviceable, and applied to the benefit of the whole body.

The Catholic
Church.

"That all particular Churches are parts of the Church universal; and that there are no distinctions of superiority or authority in any one of them exclusively of the rest. But they are all equal in dignity and power, built upon the same foundation, governed by the same Spirit, and entitled to the same glorious immortality. The Church of Rome, therefore, cannot properly be called any more than a part of the Catholic Church; neither can the bishop of that see make out any claim, by the Word of God, to universal pastorship, or to exercise any juris-

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diction in the Churches of England, France, Spain, or any other foreign realm.

"In the article of the Communion of Saints, the operations of the Holy Ghost, remission of sin, and eternal salvation, are wholly confined to the Catholic Church, and a very severe sentence pronounced upon all heretics, heathens, Jews, and infidels, of what age or distinction soever.

"In the notes upon the Twelve Articles, it is declared, all those heterodoxies condemned by the first four general councils must be renounced, and the Creed interpreted agreeably to the sense of Scripture and antiquity.

"From the Creed the book proceeds to the Seven Sacraments.

Matrimony.

"And here Matrimony is said to consist of an outward visible sign, and an inward grace, and affirmed to be instituted in Paradise, and no new sacrament of the Gospel. And, after all, there is a preference given to celibacy.

Baptism.

"Under Baptism they insist on the necessity of this sacrament for the remission of sin, the recovery of the Divine favour, and the infusion of grace, and pronounce that all baptized children dying in their infancy shall undoubtedly be saved, and else not; and here they condemn re-baptization, and all Pelagian and Anabaptistical doctrines as detestable heresies.

*Pelagianism
and Ana-
baptism
condemned.*

*Confirma-
tion.*

"The next advance is to Confirmation; and after having premised the sufficiency of baptism for the purposes above-mentioned, they maintain that confirmation was instituted by the Apostles, and continued in the primitive Church, to recover the person from any failings he had been guilty of since baptism, and to furnish him with new strength to combat the world, the flesh, and the devil. And here the bishop is made the minister of confirmation.

Acts 8. 19.

Penance.

"The sacrament of Penance is divided into contrition, confession, and reformation.

"As to Confession, all bishops and preachers are to instruct their people that the words of absolution pronounced by the priest are within his commission, and warranted by our Saviour's authority. And that the words of absolution, pronounced by the ministers of the Church, ought to be depended on as much as if they were proclaimed from the sky, and spoken

visibly by God himself. This assertion is proved from St. Luke and St. John. HENRY VIII.

"In the sacrament of the Altar the corporal presence is maintained, 'and the very self-same body and blood of our Saviour which was born of the blessed Virgin, and suffered upon the cross, is affirmed to be present under the form of bread and wine.' But here there is nothing said of the destruction of the substance of the bread and wine; and, therefore, the whole seems to come no further than consubstantiation. It is probable the article was couched in this latitude with a reconciling design, and to prevent breaking off into parties; this healing temper seems further pursued, where it is said this sacrament is to be used 'with all due reverence and honour,' without enjoining extremities, or making any mention of adoration.

*St. John 20. 23.
Luke 10. 16.
The sacrament of the altar.
It seems to reach no further than consubstantiation.*

"The sacrament of Orders follows next; and here the sacerdotal office is said to include instruction and government. But then it is no arbitrary or tyrannical power, but given with limitations, and restrained to certain ends and purposes. It is called the power of the keys, and implies a right of administering the sacraments exclusive of the laity. Orders.

"This office of teaching and governing the Church was committed to bishops and priests by our Saviour and his Apostles, and is to continue by succession in the sacerdotal order.

"Orders may properly be called a sacrament, both upon the score of being instituted by Christ and in regard of the essentials of other sacraments, 'The outward visible sign, and the inward spiritual grace.' The outward sign is the prayer and imposition of the bishop's hands; and the inward and spiritual grace is the power and authority conveyed with the character. 1 Tim. 3. tit. 1.

"They proceed to a more particular explanation of the authority of the clergy, and divide it into two branches; 'potestas ordinis et potestas jurisdictionis.' Concerning the first, not being contested, they say nothing; the latter, touching jurisdiction committed by God to the hierarchy, they throw into three sub-divisions. By the first they are empowered to reprove immorality and misbelief, and excommunicate the obstinate and ungovernable. It is likewise within their commission to moderate their censures, and relax in the discipline The authority of bishops and priests.

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of the Church. But then, by virtue of their character, they have no authority upon property or person, or any right to inflict corporal punishment, and carry their censures to death or imprisonment.

“By the second branch of jurisdiction, bishops are authorized by our Saviour to continue the succession, and perpetuate the hierarchy. They are the judges of the qualifications for priesthood, and may admit or refuse as they think fit. And here the rights of patronage, settled by the constitution, are allowed, provided there is no just exception against the person presented.

“A third branch of jurisdiction belonging to bishops and priests comprehends the power of making canons for the discipline and service of the Church. And here the book instances in several regulations made by the Apostles. It is further observed, that the discipline and ceremonies of the Church were settled by bishops and councils during the first three centuries; and that the consent of the people was likewise concurrent upon such occasions. That after the conversion of kings and princes, the bishops had recourse to the
141. assistance of the secular magistrate. This was done to reinforce the jurisdiction of the Church by the civil sanction; for the Church, as was observed before, has no authority to inflict pecuniary or corporal punishment. It was upon this view that princes confirmed the ecclesiastical constitutions, and sometimes made regulations in these matters with penalties annexed.

*Superstitious
notions and
practices
complained
of.*

“Under this head, the bishops and clergy take notice the people had been entangled with superstitious notions with respect to the ceremonies and canons of the Church. That though most of these things were but indifferent in their own nature, yet many people were more afraid of living counter to these usages and regulations, than of transgressing the plain laws of God. Thus, for instance, not a few in this kingdom thought the eating an egg upon Friday, though done upon a fair motive, and without any contempt of the canons, was a greater sin than either theft or fornication: and that the abstaining from so slender a liberty, was more meritorious than the discharging of any humane or charitable office. Upon the progress of this sacrament, they declare against the pope's supremacy, and observe, that for several of the first centuries

1 Cor. 5.
1 Cor. 12.
1 Cor. 14.
1 Cor. 16.
1 Tim. 1.

his pretended primacy was unknown, and his jurisdiction confined to the province of Italy. That his power was somewhat enlarged by imperial grants, and the consent of general councils: but that the present enormous greatness was owing to foul practice. That by the modern claims of supremacy, these prelates revolted from the doctrine of the Fathers, from the constitutions of the primitive Church, and even from their own protestations when admitted to the popedom. For all the bishops of Rome, when consecrated to that see, make a solemn profession to govern by the first eight general councils, without the least stretch or violation. And yet by some of these, it is particularly provided, that all causes shall be determined by the provincial bishops where the process began: and that no bishop shall exert his character beyond his diocese or province. They mention other authorities to the same purpose.

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VIII.

Con. 3.
Carthag.
c. 26.
Gregor.
lib. 4.
epist. 23.

“For further confirmation, they lay it down for a certain truth, that neither the Scripture, nor any Father of the apostolical age, mention our Saviour’s making any distinction or disparity in the apostolical or episcopal character; but that all the Apostles and bishops were settled upon a foot of equality, with respect to authority and jurisdiction. And that metropolitain pre-eminence and larger districts were posterior provisions, contrived for the advantage of order and unity, and only of ecclesiastical constitution.

No disparity among the apostles mentioned in Scripture.

“They add further, that no bishops ought to interpose in civil affairs, upon the strength of their commission, nor pretend to any temporal jurisdiction independently of princes. And in the close they add, it is part of the regal office to defend the Christian religion, to support the orthodox clergy, to exterminate heresy and idolatry, and to superintend the bishops in the execution of their office.

“Extreme unction is the next; this they endeavour to raise to the force of a sacrament from the precedent of the apostles, who recovered the sick by anointing them with oil. They reinforce their proof from St. James’s commanding those that were sick, ‘to call for the elders of the Church, who were to pray over him, and anoint him with oil in the name of the Lord:’ that by these applications, ‘God would restore the sick man to his health, and forgive him his sins.’

Extreme unction intended for the recovery, and not to be given at the point of death.

Mark 6. 13.
James 5.
14, 15.

“The doctrine the bishops and clergy were to teach the people upon this sacrament, was,

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"First. That no man ought to think his life shortened by receiving extreme unction; on the contrary, this sacrament was instituted for the recovery both of soul and body.

"Secondly. That it is an ill custom to defer the administration of this sacrament until the sick person is past hopes of recovery: and therefore,

"Thirdly. It is proper to apply this remedy in any dangerous sickness: for the ancient Fathers did not call the sacrament extreme unction, because it ought to be the last; neither did they appoint the giving it only to persons at the point of death. But they call this unction extreme, because it was posterior to the sacraments of baptism and confirmation, in both which anointing was used: for this reason, they recommend the receiving the holy eucharist after extreme unction; adding withal that the communicating in this sacrament of our Saviour's body, gives a force to all the rest: and as a consequence from what has been said, they advise the use of extreme unction while the sick person's memory and judgment continues, and before he is past understanding a Christian's duty.

*The holy
eucharist to
be received
after ex-
treme
unction.*

*The sacra-
ments of
baptism, the
holy eucha-
rist, and
penance, of
greater
dignity than
the rest.*

"From hence the book proceeds to make a distinction between the seven sacraments, both as to institution and dignity. The sacraments of baptism, penance, and the altar, are placed in the first rank: and the benefits conveyed by them declared greater than those from the other. The reasons of the preference are because these three sacraments are instituted by our Saviour, and made necessary to our salvation. Secondly, because the receiving of them in the outward visible signs is commanded by Christ. Thirdly, because remission of sins, supernatural assistance, and the being incorporated into Christ's mystical body, are annexed to these visible signs, provided the receivers are duly qualified. The other four sacraments of matrimony, confirmation, orders, and extreme unction, though by the consent of the Catholic Church they have been honoured with the name of sacraments, which is no more than they deserve; though they have been administered in the Church a long time as such; though by the prayer of the priest, some special gifts of the Holy Ghost are conveyed, necessary for Christians in some conditions and stations; yet after all, they are declared to be of inferior consideration to the first three for the reasons above-mentioned.

"The Ten Commandments, which follow next, are mentioned

in the same order they are with us, and ranged under the same division: there are four of the first, and six of the second table. HENRY VIII.

“Under the second commandment, they recommend the use of images in churches for memory and instruction; but pronounce positively against bowing down to them, or giving them any worship.

“Under the third, the invocation of saints is restrained to intercession, and the people are to be instructed that health of body or mind, forgiveness of sin, grace, and future happiness, are above the disposal of created beings: and therefore, we are to apply to none but God Almighty for these blessings. To invoke the saints upon such an expectation, is to injure the majesty of God and transfer his prerogative upon his creatures: this levelling the creature with the Creator, is expressly declared against in Scripture. *Restrictions upon the invocation of saints.*

“Further, no church or altar ought to be consecrated to any being but God: for according to St. Augustine, to whomsoever we may appropriate any church or altar, to him we may sacrifice; but we are to offer sacrifice to none but God. The bishops and preachers are therefore to instruct the people, that when we call the churches or altars by the name of any saint, we fall short of propriety in the expression. For, to speak properly, in the meaning of this language; they are only to preserve the memories, and refresh the virtues of these saints upon the minds of the people: for in strict and orthodox construction, these holy places are dedicated to none but the honour of the blessed Trinity. Isaiah 42.

“After having dilated upon the religious observation of the seventh day, and mentioned the removing this festival from Saturday to Sunday, recommended the other holydays, and laid down directions for the people’s behaviour at church; after these things premised, they lay in caution against superstitious excesses: and here they give a liberty to work upon holydays in cases of necessity, and when the fruits of the earth are otherwise in danger of being spoiled. In such cases to lie by, and lose the blessings of Providence, is carrying our scruples too far. At the close of the exposition on this fourth commandment, they give a short rationale of the ceremonies of the Church, and explain the meaning of them. But this I *A precaution against superstitious observance of holidays.*

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shall pass over, and give a larger recital upon this head afterwards.

"In treating the fifth commandment, the clergy were to instruct their charge, that all Christians are bound to pay the same regard to their spiritual, as to their natural fathers. That these spiritual parents are appointed by God to administer the sacraments to the people, to direct their conscience, to inspect their conduct, to govern and guide them in their way to heaven.

"They proceed to state the subjects' duty to their prince or the father of their country: and here it is declared, as the sense of this commandment, that the subjects are never to fail in their obedience, nor withdraw their allegiance from their prince upon any pretence whatsoever.

*The duty of
subjects to
civil magis-
trates.*

"And if the subject happens to be privy to any plot against the person or government of his sovereign, he is bound by this commandment to discover his knowledge with all expedition, to the prince or his council: for by the law of nature, every part of a body ought to exert itself in defence of the head: for conspiracy and treason never ends in any good, but brings a train of mischief and common calamity along with it: and to put this doctrine beyond all doubt, they cite the apostles St. Peter and St. Paul, together with a terrible example of vengeance upon the rebels against Moses and Aaron.

1 Pet. 2.
Rom. 13.
Numb. 16.

*Passive
obedience
asserted
without
reserve.*

"In expounding the sixth commandment, they pronounce categorically, and lay it down for uncontested doctrine, that no subjects have any authority to draw the sword without their prince's leave, excepting in the case of lawful defence against assassins: and that it is their duty to appear in arms in defence of their prince and country, whenever the prince shall think fit to command them. That it is not lawful for any cause whatsoever, for the subjects to draw their swords against their sovereign: for though kings may mistake in their conduct, and fall into mal-administration, yet God has not made their subjects their judges, nor allowed them any commission to try their prince. No, he has made the supreme magistrate unaccountable to the people, reserved kings to his own tribunal, and will punish them when his Providence shall think fit. What remedy then is there against oppression and tyranny? Nothing but praying to God, that he would turn the hearts of their gover-

nors, bring them to recollection, and dispose them to a right use of their power. HENRY VIII.

“After their exposition upon the Ten Commandments, and the Lord’s Prayer, they proceed to the Ave Maria; that is, the angel’s salutation mentioned in the first of St. Luke: and here they enlarge upon the honour done to the blessed Virgin, and affirm her dignified above the rest of mankind. Before they part with this article, the people were to be cautioned against mistakes, and misapplications in saying this form. To prevent this, the Ave Maria is declared to be no prayer, properly speaking, because there is nothing of petition or supplication in it. However, the Church has subjoined it to the Lord’s Prayer, in the nature of a hymn. Verse 23.
The Ave Maria no prayer.

“In the article of Justification, they declare this blessing is granted for the merits and satisfaction of our blessed Saviour: that our pardon stands upon this ground, and that no good works on our part could reconcile us unto God, procure his favour, and prevail for our justification. However, this benefit is suspended upon conditions: such as reliance upon the divine goodness, observing our Saviour’s commands, and performing the offices of justice and charity. *Justification, how understood.*

“The book concludes with the article of Purgatory: upon this head, it is said that by the book of Maccabees, and the authority of the ancients, praying for the dead is recommended as a charitable office: that this usage has continued in the Church from the first ages of Christianity. Therefore, all bishops and preachers are to put the people in mind that they have no reason to be shocked with the continuance of this practice. That charity and common regard require Christians not to forget their friends in the state of separation; but to commit them to the mercy of God in their prayers, to prevail with others to assist them in their masses, and to distribute alms upon their account. That by such assistances, their sufferings might be abated, and their state made more comfortable. But since we have no certainty or revelation concerning the place where they are, or the nature and degree of their punishment, we think fit, as the book speaks, to determine nothing upon these points, but refer departed souls wholly to the mercy of God Almighty. And here the convocation declares against the significancy of the pope’s pardons for the delivering of souls out of purgatory: or that saying masses at Scala Coeli, *Some abuses condemned with respect to this article.*

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at any other celebrated place, or before particular images, are any ways available for this purpose."

143. The answer to Dr. Martin's book against the marriage of priests, written in the time of queen Mary¹, tells us, this book was set forth by the joint authority of the bishops. The list of their subscriptions to this "Institution of a Christian Man," transcribed by Dr. Samuel Ward, are as follow: Thomas Cant., Jo. London., Stephen Winton., Jo. Exon., Jo. Lincoln, Jo. Bathon., Roland Coven. et Litch., Tho. Elien., Nic. Sarum, Jo. Bang., Edward Heref., Hugo Wigorn., Jo. Roffen., Ric. Cicest., Gulielm. Norv., Gulielm. Menevens., Rob. Assav., Rob. Landav., Edoard. Ebor., Cuthb. Dunelm., Rob. Carliolen.

¹ It is supposed to be written by Poyntet, bishop of Winchester. A list of the bishops, &c. subscriptions.

The divines of the lower house of convocation are these; Richard Woolman, Archidiaconus Sudbur., Gulielm. Knight, Archidiaconus Richmond., Jo. Bell, Archidiaconus Gloc., Edmund Bonner, Archidiaconus Licest., John Skip, Archidiaconus Dorset., Nic. Heath, Archidiaconus Stafford., Cuth. Marshal, Archidiaconus Nottingham., Rich. Curren, Archidiaconus Oxon.

Strype's
Memorials
of Arch-
bishop Cran-
mer, book 1.
p. 54.

Gulielm. Cliff, Galfridus Downes, Robertus Oaking, Radul. Bradford, Ricardus Smith, Simon Matthew, Johannes Pryne, Gulielm. Buckmaistre, Gulielm. May, Nic. Wotton, Ric. Coxo, Johannes Edmunds, Thomas Robertson, Johannes Baker, Thomas Barret, Johannes Hasey, Johannes Tyson, Sacre Theologie, Juris Ecclesiastici et Civilis Professores.

The list of the bishops is complete through both provinces: but whether that of the lower house was all transcribed by doctor Ward, may be a question.

This book, in the sacrament of orders, declares the clergy have their commission from God Almighty, and by consequence, that their authority is no grant of the crown, nor the exercise of it dependent on the civil magistrate. Notwithstanding this frank declaration, it passed the test of the court, and was published by the king's printer.

Regist.
Bonner,
fol. 42.

However, the king went on with the exercise of his ecclesiastical supremacy: to give an instance, because of the unusualness of it, of a lower kind: it is a licence to preach, granted to Roland Taylor, doctor of law. It runs thus:

"Henricus Octavus, Dei gratia Angliæ et Franciæ rex, fidei defensor, dominus Hiberniæ et in terris supremum eccle-

sizæ Anglicanæ sub Christo caput, fideli nostro subdito Rolando Taylor, legum doctore et in diaconali ordine constituto, salutem. Cum nihil sit quod ad Christianæ religionis corruptelam eradicandam, sinceramque Christi fidem restaurandam, plus habeat momenti, quam assidua sacrosanctæ Scripturæ explicatio, cujus fructum quo magis subditi nostri imbibant, eos Deo optimo maximo acceptiores, et nostro imperiali regimini obedientiores futuros esse neutiquam dubitamus. Tibi igitur de ejus erga Christi evangelium zelo, (etiam secundum scientiam) vitæ et integritate morum, conscientiæ puritate et circumspectionis industria, plurimum confidimus; in omnibus ecclesiis et aliis locis ad hoc congruis, ubicunque intra regnum nostrum Angliæ situatis, prædicandi verbum Dei licentiam impertimur, et plenam concedimus potestatem. In cujus rei testimonium sigillum nostrum, &c. dat. Martii 24 die, anno regni nostri 29."

HENRY
VIII.

In May, the next year, the Protestant princes sent Francis Burgrat, and two other learned men, with a public character into England. Their business was to argue with the English divines, and press the king to a further reformation. They had archbishop Cranmer's interest in this affair: at their going off, they drew up their arguments against communion in one kind, private masses, and the celibacy of the clergy. I shall translate what they offer upon the two first heads, and for the last, refer the reader to my former part.

August 5.
A. D. 1538.

P. 191. et
deinc.

After some introductive ceremony, these ambassadors acquainted the king, "they had spent near two months in conferences with the English bishops and others of the eminent clergy: that they had brought the matter to a very promising issue; and that they hoped his majesty, and the princes of Germany, would come to a perfect understanding in points of religion." From hence they proceed to treat the pope very coarsely. I shall endeavour to give the reader their reasoning, and omit most of their hard language.

The German
ambassadors' letter
to the king
for a further
reformation.

Their argument against communion in one kind, stands thus: they "take it for granted, his highness will not deny that the doctrine and commands of our Saviour are to be preferred to all human constitutions, traditions, and ceremonies whatsoever. For our Saviour is the life and the truth; he is infallible

They argue
against
communion
in one kind.

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1 Cor. II.
28.

in whatever he pronounces. But all human decisions, especially in matters of faith and religious worship, are liable to mistake. Now it is certain our Saviour instituted the holy eucharist under both kinds. This is evident, from his saying, 'Drink ye all of this.' And for this we have a further proof from St. Paul: 'Let a man examine himself,' says the Apostle, 'and so let him eat of that bread and drink of that cup.' Now both these places direct the practice of the whole Church, and not the clergy only. For to assert, that our Saviour spoke these words only to the Apostles, and therefore the communicating under both kinds can bind no further than the hierarchy; to assert this, is an inconsequent way of arguing: for from hence it will follow, that the laity are not to receive so much as under one kind: for neither do we read in any other place, our Saviour commanded that only his body should be given to the laity; or that both the bread and the cup should be reserved as a privilege to the sacerdotal order. From hence we must necessarily infer, that our Saviour's command for receiving the holy eucharist, equally concerns the laity and clergy without any abatement; or else that the laity are altogether to be refused the sacrament of our Lord's body, since we do not find any institution of the sacrament for the laity in any part of the gospels, excepting at our Saviour's last supper. To affirm, that half communion was settled by the Church upon several weighty considerations, is not to talk much to the point: for the question is here concerning our Saviour's institution, which, every Christian must grant, ought to overrule all ecclesiastical authority. For the Church does not presume upon the liberty of making an indifferent thing of our Saviour's command: and as for the plea of difference in degree, dignity of priesthood, fear of spilling the cup, and such like; these pretences can never have force enough to overbear or set aside a divine institution. For it is confessed even in the canon law, that no custom can prescribe against the laws of God. Besides, the advantage of custom lies on the other side; for the receiving under both kinds, has not only the warrant of our Saviour's precept, but the authority of the ancients, and the practice of the primitive Church to support it. Thus St. Jerome tells us, the priests administer the holy eucharist and distribute Christ's blood to the people: thus

pope Gelasius declares against dividing the body and blood of our Lord, that is, keeping back part of it, and calls it a great sacrilege. HENRY VIII.

“From hence they go on to allege the practice of the Greek Church: that this part of Christendom, as they have maintained the liberties against the encroachments of the court of Rome, so they have always communicated the laity under both kinds.

“The other point in which they desire the English would reform, is the custom of private masses. This part of divine service, as it was then esteemed, they declaim against with great vehemence. They affirm, the Christian religion is in a manner lost, both as to notion and benefit, by this practice. Thus the propitiatory sacrifice upon the cross is made ineffectual; an idolatrous worship, and a chimerical satisfaction for sin, brought into the Church. For the mass implies nothing less than communion, and so it is called by the Apostle St. Paul. Thus the holy eucharist was celebrated in the times of the apostles, and the primitive Church: and for this we have the concurrent testimony of the Fathers. But now the mass is made quite another thing, turned to a different use, and communion struck off in the administration. They would teach us now to rest upon the ‘opus operatum’ for the procuring of grace, and for pardoning the sins both of the living and dead. *Their reasoning against private masses.*

“The ambassadors argue further against this doctrine, and affirm, that if the mass is thus serviceable to those who do not receive, then justification does not result from faith, but from the ‘opus operatum’ of the masses. But to maintain this is a plain contradiction to Scripture, where we are told, that we are freely justified by faith, through the merits of our Saviour: that our sins are pardoned, and the Divine favour procured, not by proxy, or foreign performance, but by a personal reliance upon Christ. And as to the benefits of the sacraments, we cannot expect they should reach us, without actual partaking in the institution. But these men of the Roman Church pretend to receive for the congregation, which is just to as much purpose, as if they should undertake to be baptized for them. This is direct crossing upon the Scripture, and the end of the institution. For this sacrament was intended to awaken the acknowledgment of the receiver, and refresh the blessing of our redemption upon his mind; to support a de- 1 Cor. 10.

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jected penitent, and relieve us under the consciousness of sin. And thus, as St. Ambrose speaks, because we are always sinning, we should always apply to the remedy. Thus, as they go on, from the age of the apostles, to Gregory the Great's time, there was no such thing as private masses heard of in the Church. To begin with the testimonies; St. Chrysostom tells us, the priest was placed at the altar, to invite those prepared to the communion, and refuse the rest. And by the ancient canons it appears that one of the clergy was appointed to consecrate the holy eucharist, from whom the other priests and deacons were to receive the body of our Lord. The words of the canon of the council of Nice are these: 'Let the deacons receive the holy communion after the priests, from the bishop's hands, or from some of the second order.' And Epiphanius informs us, that in Asia, the synaxis or communion was celebrated thrice every week, and that this custom stood on apostolical tradition. From whence it appears that daily masses were not the practice. This usage continues still in the Greek Church: there is only public mass on Sundays and holydays. As for private celebrations without communicating the laity, they knew nothing of it. That which principally secured the Greeks from this innovation, was because of their refusing to submit to the pope's supremacy, and own him in his pretensions of universal pastor.

But some people do not stretch the virtue of private masses to this extravagant excess. They are willing to give up a great part of the '*opus operatum*,' and sink it to a sacrifice of thanksgiving: and this they say may be done either singly by the priest, or in conjunction with the congregation, as the Church thinks fit. This opinion has some colour, and may serve to vanish over a bad cause. But to argue thus, is to soften and palliate without warrant; for it is plain, the mass was principally designed for a sacrament: and that by receiving this sacrament faith might be increased, and grace and pardon conveyed. This being allowed to be the principal intention of the institution, the giving of thanks can be no more than a consequential duty, and of inferior consideration. From hence, the inference is, that we have no liberty to dispense with our Saviour's precept, to alter the form of his institution, and go off from the practice of the primitive Church. The sacraments are things that will admit of no innovation: in performances

of this importance we must keep close to the pattern in the mount, to the rule of the Gospel, and the usages of the ancient Church. HENRY
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“Further, they urge that private masses have proved very destructive to the interest of the Church in other respects: that the pope’s usurpations stand mostly upon this bottom. Without these the trade of indulgences would fall off, and it would not be in his power to draw so much of the treasure of Christendom into his coffers.

“To discharge these abuses therefore, our illustrious princes have struck off private masses, and recovered the sacrament to the benefit of the institution, and the practice of the primitive Church. And as for the customary ceremonies, they are almost all continued. Some alteration, we confess, is made; the hymns are in high Dutch; for it is the apostle’s injunction, that a language understood by the people should be spoken in the church: and because the mass was instituted for a communion, the people after examination are admitted to the Lord’s table. The congregation are likewise instructed from the pulpit, in the meaning and dignity of this sacrament. And in short, the whole service is performed with all the solemnity and devotion imaginable.

“It is, therefore, mere calumny in our adversaries to charge us with throwing off the ceremonies, weakening the majesty of religion, and making the service of God look homely and contemptible. For order, decency, and regard, is no where seen to more advantage than in our churches.

“Further, that the mass is no sacrifice, they endeavour to prove from these words of our Saviour, ‘This is my body, which is given for you.’ These words, as they continue, suppose a promise on God’s part, and on ours only faith to believe it: to believe that grace and remission of sin is offered us in the promise: therefore, it can be nothing of a sacrifice, that is, it cannot be offered to God for the remission of our faults. Thus 145. St. Paul teaches us, that in this sacrament ‘we show the Lord’s death.’ But to show or declare, is not sacrificing: that is, making an oblation to God Almighty for the forgiveness of sin. Besides, we read in the Gospel, that he ‘broke, and gave the bread to his disciples, saying, ‘Take, and eat,’ &c. Likewise, ‘Drink ye all of this:’ but to receive, to eat, and to drink, can by no means be strained to a sacrifice; because the bare per-

CRAN-
MER,
Abp. Cant.

formance of this action can never relieve us against guilt, nor discharge our transgressions.

"Neither are we commanded by these words of the institution to offer any thing to God Almighty, but rather to receive something from him. For we read, 'Which is given for you,' meaning his body; and afterwards, 'The blood which is shed for you;' from which expression we may plainly collect, that those who partake of the holy eucharist are only receivers, and offer nothing to God Almighty. Besides, when the laity receive this holy sacrament, a sacrifice on their part is not so much as pretended. And yet our Saviour has put no difference between the clergy and laity as to the use and design of the holy eucharist.

Aquinas in
Opusc. de
Sacrament.
Altaris.
Pro debito
originali.

"These things considered, all palliating explanations of private masses signify nothing; for the grosser and most exceptionable sense is supported by the best authorities in the Church of Rome. Thus Thomas putting the question why the mass was instituted, makes this answer: 'The body of our Lord, as it was once offered upon the cross for original sin, so it ought to be continually repeated upon the altar for our daily transgressions; that, by this means, the Church may be furnished with a present to propitiate the Divine Majesty much more acceptable than all the sacrifices under the Mosaic law.' Thus pope Alexander affirms, 'That this sacrifice of the body and blood of Christ is to be preferred to all other oblations. That our Saviour himself has taught us to offer the bread and the cup in the holy sacrament by commanding us to take and eat: and that our sins are forgiven in virtue of such sacrifices.' Thus Gabriel informs us, 'That the eucharist is offered in the nature of a sacrifice to God the Father; that by this performance both venial and mortal sins are discharged; that not only those who receive, but others for whom it is offered are benefited by this sacrament in proportion to the preparations they are under.' In consequence of this doctrine, Aquinas maintains, 'That the eucharist, upon the score of its being a sacrifice, reaches to the advantage of those who are absent, provided it is offered in their behalf; and that it requires only potential, and not actual qualifications of a holy life in them. And, therefore, if they are under a disposition for virtue and duty, the assistances of grace are procured for them in this sacrament; and thus, by consequence, it discharges the debt of

De Canon.
Missæ.

In quarto,
dist. 1, 2,
q. 2.

mortal sin, not by way of immediate causality, but by procuring the grace of contrition.'

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"The writings of the schoolmen are full of such sentences as these; nothing is more common with them than their assertion of the mass being a propitiatory sacrifice for the quick and dead. That the assistances of grace flow naturally, as it were, from the 'opus operatum,' and that a man may receive the advantage without having any part in the solemnity. That all reconciling attempts, extenuating glosses, and senses of accommodation, are to no purpose while private masses are kept on, and the significancy of them maintained. To soften the terms, and let down the expression a little, by calling it 'a sacrifice of thanksgiving,' is short of the business; for, under this notion, it cannot rise up to any satisfactory expiation for those who officiate, neither can it be made applicable for the benefit of others. By this way of arguing, the nativity, and other festivals kept in honour of our Saviour, may be called eucharistic, or memorial sacrifices. And, to come nearer truth and propriety, preaching the Gospel, faith, prayer, and other instances of piety in holy men, may rather be called sacrifices; and yet none of these performances can be called satisfactions, or extend to the benefit of others. From hence they proceed to argue for the marriage of the clergy."

The rest of the letter is mostly address, compliment, and declamation. It is signed by Francis Burgrat and George Boyneburg, ambassadors, and Myconius, a parish priest.

Cotton.
Libr. Cleop.
E. 5.
fol. 173.

The king gave the ambassadors an answer as they desired; it was drawn by bishop Tunstal. After some length of commendation and return of ceremony, the king enters upon the controversy. He begins with communion in one kind.

Ld. Herbert,
p. 431.

"That this sacrament," says the king, "was commanded to be given the people under both kinds, and never under one, is an assertion we are surprised at; neither can we imagine your excellencies are in earnest, but that you have only a mind to sound our opinion, and try our strength upon the argument. And, therefore, notwithstanding what you have advanced, we cannot help thinking your persuasion the same with ours; and that you believe under the form of bread, the natural and living body of Christ is really and substantially contained, toge-

The king's answer to the ambassadors' letter. Corporal presence and concomitancy maintained to the last degree of wonder and incomprehensibility.

CRAN-
MER,
Abp. Cant.
*Corpus illi
exsangue
esse.*

*Cum vero
sanguine
viva et vera
etiam cor-
poris sit
caro.*

ther with the true and real blood; otherwise we must confess that the body is disfurnished of blood, which would be an impious affirmation, since this flesh of our Saviour is not only alive, but productive of life in others. And thus, under the form of wine, there is not only the natural and real blood of our Saviour, but likewise, together with his blood, the real and natural flesh of his body is contained. The article of orthodox belief standing thus, the consequence is, that those who communicate in either kind communicate in both, as to effect and benefit; because our Saviour's body and blood is entirely in each. And to support this doctrine of concomitancy, we are not unprovided with authority and instances from the New Testament. Thus our blessed Saviour administered the sacrament in one kind to the disciples going to

Luke 24. 30. Emmaus. For it is written, 'As he sat at meat with them, he took bread and blessed it, and brake, and gave it to them; and their eyes were opened, and they knew him, by the breaking of bread.' This place the ancients, St. Chrysostom, St. Austin, and Theophylact, interpret to the holy eucharist, and yet here is not the least mention of giving the wine. Thus our Saviour, by administering in one kind, seems to have left
146. the same liberty to his spouse the Church. For Christ, who gave instructions at his last supper for communion in both kinds, has left us his precedent for communicating under one; but no man was ever so bold as to charge our Saviour with inconsistency between precept and example.

Acta 2. 42. "Thus, after the descent of the Holy Ghost, and the conversion of three thousand people, at St. Peter's sermon, it is said, 'They continued stedfastly in the Apostles' doctrine and fellowship, and in breaking of bread, and in prayers.' This text the ancients likewise understand of administering the holy sacrament; but neither is here any thing said of the cup. Now if communion under one kind is warranted both by our Saviour's and the Apostles' example, we are not to charge this usage with contradiction to the Gospel; for the Apostles, who were led into all truth by the Holy Spirit, would never have communicated the people only in the bread if our Saviour's command had obliged them to administer under both kinds; for such a latitude would have looked like forgetfulness of their Master's command, and changing his institution.

"Further. From our Saviour's instructions for this solemnity, recited by St. Paul, we find the two kinds separately and independently mentioned. The Apostle's words which he received from our Saviour are these: 'The Lord Jesus, in the same night in which he was betrayed, took bread; and when he had given thanks he brake it, and said, 'Take, eat, this is my body which is broken for you: this do in remembrance of me.' Here we see our blessed Saviour, in the words 'do this,' speaks separately, and by itself, of his body under the appearance of bread, before he proceeds to any mention of the cup. Afterwards, the Apostle informs us, that after 'the same manner also he took the cup when he had supped, saying, This cup is the New Testament in my blood: this do ye, as oft as ye shall drink it, in remembrance of me.' Here we are to observe the absoluteness of the command is altered; for it is not said without limitation, as it was in the breaking of the bread, 'This do in remembrance of me;' but there is a clause of latitude added, that is, 'Do this as oft as ye shall drink it in remembrance of me.' By which we are to understand, that we are under no necessity of always receiving the cup; but that as often as we are communicated with the blood of our Saviour in the form of wine, we are bound to 'do this in remembrance of him.'

HENRY
VIII.

"Further. Our blessed Saviour, when supper was over, at which he had given them his body under the form of bread, after this he gave his blood separately under the appearance of wine, saying, 'Do this as oft as ye shall drink it in remembrance of me;' letting us know, that sometimes the administration might be performed under one kind, and yet, notwithstanding, the force and significancy of both received by the people; for otherwise there had been no necessity of pronouncing the words 'Do this' more than once, neither would they have been repeated distinctly upon the bread and cup. We have reason to conclude, therefore, that our Saviour, at the giving of the cup, would not have added, 'Do this as oft as ye shall drink it,' having said the same before of the bread, unless he had allowed the receiving of either of these without the other.

"Neither can it be denied that the disciples received the body of our Lord upon his giving them the bread, saying, 'This is my body;' for though the cup was not given till after

CRAN-
MER,
Abp. Cant.

*The stress
of the argu-
ment laid
upon the
word "or."*

some interval, when supper was ended, no person, we conceive, is so stupid as to think the body of Christ was not received by the disciples under the form of bread till after supper, when the cup was given them; to suppose this would be extremely absurd, because it makes the former words of our Saviour ('This is my body,' pronounced over the bread,) signify nothing; and that the giving the bread to the disciples had no supernatural efficacy till they had all drunk of the cup after supper. Now this would be a wicked sentiment, because it throws both what our Saviour said and did out of all force and signification. Lastly. St. Paul himself, after he had made a joint mention of both kinds, concludes with a disjunctive inference upon the whole, saying, 'Whosoever shall eat this bread,' ἡ πίνῃ τὸ ποτήριον, &c., 'or shall drink this cup of the Lord unworthily,' &c.: which text is thus translated by Erasmus, 'Itaque quisquis ederit panem hunc *aut* de calice biberit indigne, reus erit corporis et sanguinis Domini.'

"From these words of the Apostle it appears plainly, that whosoever receives this bread unworthily, is guilty of the body and blood of our Lord; or whosoever shall drink this cup unworthily, is likewise guilty of the body and blood of our Lord; which crime could never be charged upon the communicant unless the body and blood of Christ was separately contained under the form of bread, and likewise in the same integrity and extent of nature under the form of wine; neither would the Apostle have spoken disjunctively of the species of bread if it was never to have been received but in conjunction with the cup: neither, on the other side, would he have spoken of the cup in terms of separation if it had never been lawful to receive it without the bread. For why should he disjoin those things which were never to be parted? Now the least portion of inspiration has its weight, and every word ought to be regarded. For thus we are commanded by the prophet, 'Incline your ear to the words of my mouth.' And in Deuteronomy it is said, 'These words which I command thee this day shall be in thine heart;' and elsewhere in the same book we read, 'Thou shalt not add thereto or diminish therefrom.'

"We grant no command of our Saviour's can be overruled by any human constitution: for men can have no authority to reverse a Divine establishment. We are likewise persuaded

that no custom ought to prevail against the Word of God, or be pleaded in derogation of our Saviour's institution.

"But then we affirm our Saviour has left us at liberty to receive him three ways in a corporal, and the fourth in a spiritual manner; that is, first, in both kinds; secondly, under the form of bread only; thirdly, under that of wine; and fourthly, in affection and desire only, when, by the disadvantage of circumstances, we can receive no otherwise.

"As to the first way it is our opinion, that if any of the faithful, out of ardency of devotion, shall earnestly desire to receive in both kinds, provided there is no impediment of weakness or distemper, the communion may be given him under both kinds; provided, further, that neither the person 147. receiving nor the priest does this in contempt of the discipline of the Church and the custom of the country.

"As to the second and third manner of receiving, our opinion is this: that in case a man lies under disadvantage of nature or accident,—for instance, if he has the palsy, or an antipathy against eating bread or drinking wine, so that he cannot conveniently receive under both kinds,—in this case, if he desires the holy communion, it ought to be given under one.

"As to the fourth: if a man's stomach is disturbed with nauseating to that degree that he can keep nothing, under such a distemper the showing the sacrament upon his desire is a virtual communion. This will help him to recollect the death of his Redeemer, bring him to compunction, and convey the benefits of actually receiving.

"We cannot but wonder, therefore, that those who appear so zealous in maintaining their Christian liberty should restrain it in so valuable an instance; that they should put us under an unnecessary incapacity, and deny us the inestimable privilege of our Saviour's body and blood under several emergencies. What pious Christian would not rather die than be thrown out of so great a privilege?

"Besides, upon these principles of restraint, what must become of the northern nations, and those of Afric within the tropic? What must become of them, I say, where wine is not imported, nor the growth of their country? Are these people to be barred the sacrament, and receive under neither kind, because they cannot have under both? Or can we sup-

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MER,
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pose the integrity of our Saviour's body, or the entire sacrament, is not conveyed under one kind?

"When the people began first to leave off the primitive usage, and communicate in the bread only, is to us uncertain; but it is probable our ancestors went upon the authority of Scripture in the change of this custom,—upon the authority of Scripture, I say, which mentions the communion sometimes given under one kind by our Saviour and his Apostles. Being supported by such infallible precedents, it is our opinion Christians of former ages declined the receiving the cup, for fear the precious blood of our Saviour might be spilt. Neither can we believe our Lord, who has promised to be with his Church to the end of the world, would have withdrawn his direction for so many ages, and suffered it to fall into so great an error; and yet this must have been the case, if there had been a plain precept for every one to receive always under both kinds.

"The practice of the Greek Church in this matter is not clear to us. However, it is certain those Christians are almost slaves to the Turks, and under several restraints as to their religion; for they are neither allowed to preach publicly, to have bells in their churches, to carry the cross, nor go in public procession.

"Lastly, it ought to be particularly observed, that through all Christendom, upon Good Friday, both the priest and the people communicate only in the bread, and not in the wine. The reason is, because on that day the death of Christ is more eminently represented: on that day his precious blood was shed for our salvation, and separated from his body. To represent the memory of this with more force and advantage, it is the custom of the whole congregation, both priest and people, to receive under one kind: which usage would never have been brought upon the universal Church unless Christ had been entirely contained under one kind, and the giving the communion to the laity in that manner had been believed lawful.

"Of Private Masses.

*Of private
masses.*

"Under this head you complain of a great many abuses,—that it is, as it were, the basis and support of the papacy; that it has led the way to indulgences, picked people's pockets, made 'a gain of godliness,' increased the monks to a troublesome

number, 'and made the word of God of none effect;' that, for these reasons, the princes of Germany have restored the primitive practice, translated the service into the vulgar language, and guarded the celebration with solemnity and reverence; but as for private masses, which opened a passage to so many ill consequences, you have wholly suppressed them. Now we, having spent no little time upon this subject, must remind you, in the first place, that our Saviour never instituted any thing in his Church which the devil has not endeavoured to draw towards abuse and disappointment. But things well and wisely established are not to be set aside because they pass through the hands of people liable to miscarriage,—upon this reasoning all the sacraments ought to be disused;—but, in our opinion, it is a much better way to remove the abuses, and retain such customs as were first begun upon motives of piety and service.

"Your argument for suppressing private masses, because Aquinas, Gabriel, and other schoolmen, have launched out into impious doctrine, and flourished extravagantly upon the 'opus operatum,' will not do: for whatever heterodoxies they may be guilty of affect masses in general, and not private ones only. If private masses, therefore, were to be laid aside to prevent the keeping up their doctrine, for the same reason we must have no public mass neither,—which is more than you will allow. But, if things are closely examined, private mass will amount to a sort of private communion, where, if circumstances are duly managed,—if the laity there present are under dispositions for repentance,—if they are heartily sorry for their sins, and address to God for his pardon,—if they 'present themselves a living sacrifice, acceptable to God,'—there is no question but that they communicate with the priest in a spiritual manner, though their number is small, and they abstain from a corporal receiving: for this reason private masses are so far from diserving the Church, that they are considerably instrumental for the correction of manners, and the strengthening of faith. Thus Christians are brought to a daily acknowledgment of their faults, apply constantly for pardon, rise by repentance upon every slip, and, by this frequent recovery of their ground and conquest upon the enemy, they are better animated for a further encounter.

"Further: at the beginning of every private mass there is a

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Rom. 12.

*A corporali
sacramenti
sumptione.*

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MER,
Abp. Cant.

general confession of sin, God is addressed for pardon, and the sacerdotal absolution given, no less than when the service is public.

“And supposing this service never so public and solemn, yet, if none of the congregation is disposed to communicate with the priest, what difference is there between this and a private mass? Or is the priest obliged not to celebrate public mass because none of the people will communicate with him? And even among the Christians of the Greek Church, where you own there is public mass every Sunday, the people very seldom communicate with the priest, as we have been told by creditable persons who have been at their service.

“As to your testimony from Epiphanius, that the communion was received thrice a-week in Asia in his time, and that this custom stood upon apostolical authority; to this we answer, that since, by your own confession, this thrice a-week is brought to once every Sunday in the Greek Church, we desire to know, that if an apostolical usage may be thus altered to the seldom side, why may it not be changed as well upon the degrees of frequency?—why may not the intervals of devotion be lessened, since by this practice the memory of Christ’s death is more serviceably refreshed? Now this is the business and design of private masses.

“For if our Saviour instituted this sacrament to preserve the memory of his death, as it is said, ‘Do this in remembrance of me,’ then the frequency of the performance best answers the command: for frequency and repetition are the best security against forgetfulness; and from hence we may conclude the usefulness of private masses.

“The Apostle St. Paul calls private families of believers by the name of the Church. Now I desire to know whether the Church, under any denomination, may be refused the communion of our Lord’s body? For our Saviour, at the institution of this sacrament, has said, ‘As often as ye do this, do it in remembrance of me.’ Thus we see there is no restraint upon the performance, either for time or place. How then can we refuse any person the benefit of private masses, and remit him to holy days and public communion? How can he be thus refused, when our Saviour has left him at liberty, as to time, provided solemnity and other due circumstances are not wanting? For had we been tied to regards of time, our Saviour,

'who was the Wisdom of the Father,' would not have expressed himself in so indefinite a manner. HENRY VIII.

"In the first beginnings of Christianity, the communion was celebrated every day in private houses, as St. Luke informs us, 'And they continued daily with one accord in the Temple, and breaking bread from house to house : ' which breaking of bread, Luke 2. 46. according to the Fathers, was receiving the communion.

"And as to your citation from St. Chrysostom, where the priest is represented standing at the altar to invite some, and refuse others, here the Father describes the custom at public communions, which in the primitive ages were more frequent than afterwards. However, this custom of the priest's standing at the altar, for the purposes above-mentioned, is still observed at Easter, when all the people communicate. But then St. Chrysostom's expostulating with the congregation, for not communicating to the frequency of the custom, does not amount to a disallowance of private masses.

"We grant the canon of the council of Nice, which you mention, orders the deacons shall be placed behind the priests at a public communion ; but neither that canon nor any other declares against private masses.

"You think the sacrament of the holy eucharist is no sacrifice. Your reason is, because the death of our Saviour is the only propitiatory sacrifice ; and since he was once offered for us, 'and death hath no more dominion over him,' your inference is, there is no other sacrifice under Christianity, excepting that of spiritual worship : that is, 'the righteousness of faith,' and the 'fruits of faith.' What 'the righteousness which is by faith' means, we understand very well from St. Paul, who opposes it to the righteousness of the Mosaic Law ; and though the Scripture is not clear in setting down the fruits or effects of faith, yet that faith itself, charity, and many other virtues, are the fruits of the Spirit, is beyond question. But, to come closer, we cannot but wonder any person should scruple calling the mass a sacrifice, since it is customary to all the Latin and Greek Fathers to give it this name. Their reason is, because the elements are there consecrated into the body and blood of our Saviour, in remembrance of his death,—who, as St. Paul speaks, 'having offered himself a sacrifice for sin, for ever sat down at the right hand of God : for by one offering he has perfected for ever them that are sanctified.' Heb. 10. 12. 14. Therefore, if

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Abp. Cant.

our Saviour is both priest, sacrifice, and propitiation, it follows, wherever our Saviour is present, our sacrifice must be there also. Now, if the body and blood of Christ are really present in the sacrament of the altar, how can it be denied we have there any sacrifice?

"Further: in regard Christ our sacrifice is present in the mass,—since we, who are his body, offer up ourselves a living sacrifice in conjunction with our Head,—the Greek Fathers call the holy action ἀναιμάκτον θυσίαν, 'an unbloody sacrifice:' thus, for instance, it is called by St. Basil, St. Chrysostom, St. Jerome, and St. Austin. Now, if we should stand off from an expression so recommended by antiquity, may we not be justly suspected to draw towards the opinion of the Sacramentaries and Anabaptists? Now, as we declare ourselves very different in our belief from these novelists, so we desire to give no occasion to calumny and misreport.

"Now, since both priest and people approach this solemnity with contrition, and, pursuant to the Apostle's exhortation, Rom. 12. 1. 'present themselves a living sacrifice, holy and acceptable to God,'—since the holy performance consists in praise and thanksgiving,—why may not the mass be defensibly called a sacrifice upon this reason? Does not the prophet mention a 149. sacrifice of praise? And does not St. Paul exhort all the faithful 'to present themselves a living sacrifice'?

"Lastly, the prophet Malachi, describing the advantage of the Christian dispensation, tells us, in the person of God, 'From the rising of the sun, even to the going down of the same, my name shall be great among the Gentiles, and in every place incense shall be offered unto my name, and a pure offering: for my name shall be great among the heathen, saith the Lord of Hosts.' Now, we would gladly know what other 'pure oblation' is every where offered among the Gentiles, excepting that of our blessed Saviour? Or what other sacrifice is in use among the Christians, excepting that of the mass, where the death of Christ is commemorated? Now, there must either be some sacrifice kept up among the Christians, or the prophet has failed in this prediction. But what pure oblation can be pretended, excepting Christ our Passover, who is present in the sacrament of the altar under the species of bread and wine? For whatever else we can offer unto God does by no means deserve the name of a 'pure-offering:' for all our righteousness,

Cotton,
Lib. Cleop.
E. 5.
fol. 215.

as the prophet speaks, is stained with blemish, and full of defects." HENRY
VIII.

By this answer of the king's we may perceive Tunstal was a prelate of no ordinary learning and capacity. Where he maintains the wrong side of the question he gives strong colours, and makes the most of the argument. When I say this, I insinuate nothing against his sincerity. I am willing to believe he thought his exposition of Scripture good, his inferences well drawn, and his proofs satisfactory; for prejudices of education, and doctrines generally received for some length of time, are apt to give an insensible bias, affect a good head, and surprise an honest understanding.

The king, having the dissolution of the remaining monasteries in view, thought it necessary to lessen their reputation, to lay open the superstition of their worship, and draw a charge of imposture upon some of them. And here, it must be said, he was not without a colour for his proceedings; for relics had been for some time too much magnified, and many of them were counterfeited; images were supposed to be more significant in one place than another; and, in short, the people were drawn to tedious pilgrimages, to visionary hopes, and misapplication in their devotions. To mention some of these religious curiosities: the Blessed Virgin's girdle was shown in seven different places, and her milk in eight; the bell of St. Guthlac, and the felt of St. Thomas of Lancaster, were counted sovereign remedies for the headach. By the way, this Thomas, earl of Lancaster, was one of the rebellious barons in Edward II.'s time, and executed for high treason.

*Images and
relics ex-
posed, and
the religious
charged with
imposture.*

*Sir Thomas
de la More,
in Vit.
Ed. 2.*

To proceed: The penknife and boots of archbishop Becket, and a piece of his shirt, was much valued by women with child. The coals that roasted St. Laurence, two or three heads of St. Ursula, Malchus's ear, and the paring of St. Edmund's nails, were of superstitious regard. To these we may add the figure of an angel with one wing, which brought over the spear's head which pierced our Saviour's side; an image of our Lady, with a taper in her hand, which burnt nine years together without wasting, till at last it was put out by perjury,—this, upon examination, was discovered to be nothing but a piece of wood. Our Lady of Worcester was another piece of imposture; for, after her habit and dress were taken

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MER,
Abp. Cant.

off, the figure was quite of another kind, and represented a bishop ten feet high. Besides these and some others, there were two remarkable rarities which must not be forgotten. One of them was the rood of grace, at Boxley, in Kent. There was so much of a machine in this figure, that the eyes would turn and the lips move upon occasion. It was publicly exposed at Paul's-cross by Hilsley, bishop of Rochester, and there knocked in pieces. The other was a relic at Hales, in Gloucestershire. Here, it was pretended, the blood of our Saviour, brought from Jerusalem, had been kept for several ages. It was said if a man was in mortal sin, and had not received absolution, he could not see the relic, which otherwise, to a person under pious qualifications, was visible enough. To prepare, therefore, for the sight of the miracle, it was the custom to confess to a priest, and offer at the altar, before the relic was shown. This pretended blood of our Saviour was kept in a crystal, very thick on one side, but very thin and transparent on the other. If a wealthy person appeared, they turned the thick side, where the eye could reach nothing,—this, as it is said, was done to open his heart and his pocket; for when he had bought as many masses and presented as far as they thought fit, they turned the thin side, and then the blood appeared: and this, as William Thomas, clerk of the council to Edward VI., says, was no better than the blood of a duck renewed every week.

Besides these, the figures of Our Lady of Walsingham, Ipswich, Penrice, Islington, St. John Osulston, and some others, were publicly burnt. There was also a gigantic image called Darvel-Catharine, brought out of North Wales, where there was an old prophecy, that a whole wood should be burnt down by it. It happened at that time that one Forrest, a Franciscan, was condemned for heresy and high treason,—though by what law they could stretch his crime to heresy is hard to discover, for he was tried only for dissuading his penitents in confession from owning the king's supremacy;—however, this reign governing something at discretion, Forrest was hanged, and the statue kindled under him: and, by this rigorous execution, the prophecy was fulfilled in a jingle.

The mistaken reliance and superstitious practice with respect to images and relics is not to be denied; but whether the impostures above-mentioned are matter of fact, will be a question:

Godwin,
Annal.
A. D. 1538.
Ed. Herbert,
p. 431, 432.

for William Thomas, cited by the lord Herbert, is somewhat an exceptionable authority. He wrote the book called, "Il Pelerine Inglese," in justification of king Henry's proceedings; but, by the account which he gives of archbishop Becket, it is plain he was either biassed or grossly mistaken. This will be shown by and by.

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To proceed: As the interest of the monasteries sunk, the king's project grew more feasible. He went on, therefore, against the abuses of pilgrimages, and the offering at the shrines of the saints. And here bishop Godwin observes, the king was strongly disposed to promote a reformation that would turn the penny and furnish the exchequer. Now, at some of the most celebrated tombs there were very rich presents made, many of which were kept in honour both of the saint and his votaries. Among these archbishop Becket's tomb was one of the most famous in England. It was a stately mausoleum, and ornamented with gold and jewels of a prodigious value. The king ordered this monument to be defaced. The treasure was not his only motive: he was willing, it is likely, to strike at the reputation of this prelate, and bring a disgrace upon his memory; for Becket's character, it is plain, must be somewhat unserviceable to the regal supremacy; and though this claim was not set up by the crown at that time of day, yet the archbishop contested very warmly for the privileges of the Church with Henry II. And though his conduct in this dispute was not altogether defensible, he was far however from being guilty of that gross mismanagement with which he is charged. William Thomas affirms "that, upon his retiring to the pope, the king and kingdom was excommunicated, and put under an interdict, upon his account; and that, for four years together, both mass and other public service was wholly discontinued." But this relation is altogether a mistake: for there was no excommunication or any other censure discharged by the pope, either against the king or kingdom. On the contrary, the pope, being apprehensive of losing the English nation, applied to lenitives, avoided exasperating the king, and endeavoured to put an end to the contest.

Godwin,
Annal.

150.

Archbishop
Becket's
tomb de-
faced, and
the treasure
seized by the
king.

Becket mis-
reported.
Bp. Burnet.
pt. 1. p. 243.

Ld. Herbert,
p. 438.

See my
Ch. Hist.
vol. 1. from
p. 365 to
375.

The king ordered Becket's bones to be burnt, and seized the vast treasure offered at his shrine. We need not wonder the wealth of this tomb should increase to so vast a bulk, if we consider that, since the reign of king Henry II., few persons

CRAN-
MER,
Abp. Cant.

of condition went to Canterbury without visiting Becket's tomb, and making presents of value. Among others, there was one almost inestimable stone offered by Louis VII. of France. This our king had set in a ring, and wore it on his thumb. Bishop Godwin reports there were two large chests full of gold and jewels secured for the king, each of which were so heavy that they had eight men to carry them out of the church.

*The monas-
tery of St.
Austin's,
Canterbury,
seized.*

Godwin,
Annal.
Ld. Herbert,
p. 437.

About this time the king seized the rich monastery of St. Austin's, Canterbury, frightened away the monks, kept some part of their estates, and gave away the rest among his courtiers. As to archbishop Becket, besides burning his bones, carrying off his treasure, and defacing his monument, he ordered his name to be razed out of the calendar, and forbade the keeping his holyday.

Ld. Herbert,
p. 431.
*A transla-
tion of the
Bible pub-
lished for
general use.*

The king, though not giving satisfaction to the German divines, went on with the Reformation his own way: and having been often solicited for a translation of the Bible, referred the direction of that affair to Cromwell. When the version was finished, it was put into the hands of Richard Grafton; and, for want of good paper in England, the copy was sent to Paris, and printed there in Latin and English. To make way for the use of this translation, and govern the curiosity of the people, the king published a proclamation, by which he gave them to understand, that the permission of this translation was more than his duty required; that the subjects were to look upon this liberty as an instance of favour and royal bounty; that therefore they were to manage themselves in reading with temper and discretion; to consult the holy text for the improvement of their morals and the increase of their faith, and not for disputes and wrangling. That no person should read aloud to disturb the priest at divine service, nor presume to expound difficult places without assistance from the learned.

Ibid.

*Cromwell's
injunctions.
Regist.
Cranmer.*

Cromwell's injunctions, in the king's name, were likewise published for the same purpose. By this order a Bible of the largest volume was to be provided for every parish church, at the joint charge of the parson and parishioners. No person was to be discouraged from reading or hearing the Scriptures; but, on the contrary, exhorted to improve themselves from thence. Every Sunday and holyday the parson was to repeat

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a sentence out of the Lord's Prayer or Creed, in English, till the people had learned the whole by heart; and, at the confession of penitence in Lent, they were to examine them upon these heads, and not admit them to the holy communion till they came up to expectation. The clergy were likewise ordered to remove such images as had been superstitiously applied to pilgrimages and offerings, or treated with over-proportioned regard. To this purpose they were not to suffer any candles or tapers to be set before any image, but only the light by the roodloft, the light before the sacrament of the altar, and the light about the sepulchre: these were allowed to stand for the ornamenting the church, and the solemnity of divine service. However, to guard the people from mistaking these matters, the curates were to instruct them that the use of images was only to inform the unlearned in the history of the saints, and to refresh their memory for imitation. That to go further in their addresses and veneration, was to fall into idolatry to the hazard of their salvation. That they were to let no man have the use of their pulpits, unless he had the king's, the archbishop's, the vicegerent's, or the diocesan's licence. That every parson, vicar, or curate, was to furnish a book to register weddings, burials, and christenings. That no person should take upon him to change any fast-day as to the manner of keeping it, the vigils of such holy-days, now abrogated, excepted. The knolling of the "Aves" after service, and certain other times, introduced by the pretence of the bishop of Rome's pardon, are from henceforth to be omitted, lest the people should depend upon their pardon for saying their "Aves" as they had formerly done. And whereas in times past it hath been customary at processions, in several places, to sing "Ora pro nobis" to so many saints, that they had no time to make immediate application to God Almighty in the suffrages "Parce nobis, Domine, et libera nos, Domine;" the people were, therefore, to be instructed it were better for them to omit the "Ora pro nobis" and repeat the other. The rest of Cromwell's injunctions having been touched upon other occasions, or are not so material, shall be omitted.

A. D. 1538.

These changes in religion, though commendable, excepting in Cromwell's office, were disrelished abroad: by saying this, I do not undertake a defence of every thing. The latter part especially of this reign was not without an exceptionable mix-

CRAN-
MER,
Abp. Cant.

151.

Ld. Herbert,
p. 433.

*Bonner
dissolveth
the French
king.*

*He is re-
called from
his embassy.*

*Lambert
prosecuted
for heresy,
and tried
before the
king.*

ture. This dissolving the lesser monasteries, and some rigorous executions, had weakened the king's correspondence with the courts of France and Spain. His highness not being willing to break off with the French king, recalled Bonner, bishop of Hereford, from his embassy with the emperor, and employed him in France in Gardiner's room. For this prelate, it seems, had a secret inclination for the emperor, and did his master little service with that prince. Bonner, though coldly received by the French king, procured a licence for printing the English Bible at Paris. This favour being afterwards complained of by the French clergy, gave some interruption to the work. Bonner, as it happened, was unsuccessful in his character at the French court. He had instructions to demand a pension due to the king, and which had been unpaid by the French for four years. This was unacceptable business, and required nice management: but Bonner being of a warm temper, failed in the decency of behaviour, and made his demands with a surprising and haughty air. This unexpected management transported Francis to something of resentment, and made him treat the ambassador and the king with rough language. However, to prevent a war, he sent an express to England to mollify the king, and explain himself, desiring at the same time that Bonner might be recalled. Our king, believing that prelate would make nothing of his character in France, ordered his return. However, that he was not dissatisfied with Bonner's conduct, appears by his preferring him afterwards to the see of London, and employing him at the emperor's court.

In November this year, one John Lambert, alias Nicolson, a person of learning, was prosecuted for heresy. He had been questioned for unsound opinions by archbishop Warham; but upon the death of that prelate, and the changing of counsels at court, he procured a discharge. He kept school at London, and hearing Dr. Taylor, afterwards bishop of Lincoln, preach for the corporal presence of Christ in the sacrament, he came to him, declared his dissent from that doctrine, and drew up his exceptions in ten arguments. This paper was showed by Taylor to Dr. Barnes; Barnes, who was bred among the Lutherans, was, it seems, made a proselyte to their warmth as well as their opinions. He thought their falling lower than consubstantiation would check the progress of the

Reformation in England ; these doctors, therefore, Barnes and Taylor, carried Lambert's papers to Cranmer and Latimer. When Lambert was brought before them, they endeavoured to work him to a recantation, but all to no purpose ; he resolved to stand by his paper, and appealed to the king.

HENRY VIII.

Bp. Burnet, pt. 1. p. 252.

It is said Cranmer, at that time, was of Luther's opinion, which he had drunk in from his friend Osiander ; our historian affirms that Latimer was of the same belief. First, as to Latimer, he misreports his opinion ; for at the disputation at Oxford in queen Mary's reign, when Dr. Weston reproached him that he agreed with the Lutherans in the doctrine of the eucharist, Latimer answered " No—I was a papist, for I could never perceive how Luther could defend his opinion without transubstantiation." Then, as to Cranmer, he cannot be sup-

Fox, p. 1877.

posed to be of Luther's opinion at this time, with respect to the sacrament of the altar, without a mark of insincerity. For, as this historian observes, in the book called the " Necessary Erudition," &c., published by the king in the year 1543, transubstantiation was fully asserted : and yet this book was subscribed by Cranmer. If, therefore, Cranmer believed consubstantiation when he subscribed transubstantiation, he must have been a person of a scandalous conscience, which is too hard a reflection upon him.

Bp. Burnet, pt. 1. p. 290.
Id. p. 299.

The king received the appeal, and, it may be, was not displeased with the opportunity for showing his zeal and learning. The bishops and temporal nobility had notice given them of the solemnity of this trial, that the king intended to appear and manage some part of the argument. At the day prefixed, besides the quality just mentioned, the judges, the king's counsel, with great numbers of spectators, came to Westminster-hall, where scaffolds were erected for the convenience of hearing ; the bishops were seated on the king's right hand, and behind them the judges, and the most eminent of the profession of the law : the temporal nobility sat on his highness's left hand, and after them the gentlemen of the court.

When the prisoner was brought to the bar, Day, bishop of Chichester, being commanded by the king to open the trial, set forth, " That Lambert, being charged with heretical pravity, had appealed from his bishop to the king, as if he expected more favour from this application, and that the king would

The trial opened by Day, bishop of Chichester.

CRAN-
MER,
Abp. Cant.

protect an heretic : from whence it appeared, that the report of the prisoner's being infected with the Lutheran novelties had too much truth in it ; then speaking directly, as in the king's person, he dilates upon the progress already made in the Reformation. That he had thrown off the usurpations of the see of Rome, discharged and disincorporated some idle monks, who lived only like drones in a beehive ; that he had removed the idolatrous regard for images, published the Bible in English for the instruction of all his subjects, and made some lesser alterations in the Church, which nobody could deny were for the public interest. But as for other things, he was resolved to keep constant to the Catholic faith and customs ; that he was very desirous the prisoner would retract his errors and return to the Catholic communion. That for this purpose, and to prevent the extremities which would otherwise follow, he had ordered the appearance of those grave and learned men (meaning the bishops), hoping that, by the advantage of their character and force of their reasoning, they would recover him to the Church, and wrest his unfortunate opinion from him. But in case he was not to be removed from his obstinacy, but continued proof against conviction, he was resolved to make him an example ; and by a precedent of his own setting, acquaint his judges and the magistracy how they ought to manage heresy and behave themselves upon such occasions."

Godwin,
Annal. An.
1538.

When bishop Day had delivered his majesty's sense to this effect, the king himself asked Lambert what his opinion was concerning Christ's presence in the sacrament of the altar? Lambert not returning an acceptable answer, they began to argue the point, and oppose the prisoner in the forms of logic. To be somewhat more particular, Lambert entered upon his defence with some introductory respect, acknowledged the king's goodness for condescending to appear personally at the trial ; and here he threw in some commending expressions of his highness's learning and judgment. The king, interrupting him, told him, in Latin, that he did not come thither to hear any panegyric upon himself, and therefore ordered him to
152. come close to the matter. This being pronounced with no friendly countenance, disconcerted Lambert, and overset him in some measure. The king asked him again whether Christ's body was in the sacrament or not ! He replied in St. Austin's

words, "That it was his body in a certain manner." The king HENRY
VIII. bid him answer directly, without obscurity or evasion; upon which he discovered his opinion, and answered, "That it was not his body." Upon this the king pressed him with the text in the Evangelist, "This is my body." After some essay upon the controversy, the king disengaged, and ordered the archbishop to confute him. Cranmer only spoke to that part of Lambert's objection which maintained the impossibility of a body's being in two places at once. This assertion the archbishop endeavoured to disprove from Christ's appearing to St. Paul: "for though the Scripture assures us our Saviour is always in heaven, yet he was seen by St. Paul in the air." To this Lambert returned, "that our Saviour was then only in heaven, and that the human appearance and the voice was a vision, but not the natural body of Christ." This dispute lasted for some time, and then Cranmer gave over.

*Cranmer
argues
against
Lambert.
Acts 9.*

Gardiner, bishop of Winchester, thought Cranmer did not drive the argument home, and therefore endeavoured to reinforce him: he cited two texts of St. Paul, "Have I not seen Jesus," and elsewhere, "he was seen of Cephas, then of the twelve. After this he was seen of James, then of all the Apostles. And last of all, he was seen by me also." To this Lambert answered, "he did not question the appearance of our Saviour, but denied his body being in two places could be inferred from thence."

*Gardiner
and Tunstal
argue.*

1 Cor. 9. 1.

1 Cor. 15. 5.

Tunstal came after Gardiner; he argued from God's omnipotency, "that our apprehension of possibilities was short: that things which seemed contradictions to us, were not so in themselves, nor out of the reach of the Divine power. That therefore, since our Saviour had called the bread his body, we ought to believe he said no more than he intended to perform." To this Lambert answered, "Our Saviour hath no where declared in Scripture, that he would change the bread into his body: that it was a figurative speech frequently used in the inspired writings. Thus circumcision is called the covenant, the lamb, the passover; besides many other instances."

Stokesly, bishop of London, came after Tunstal. He thought, as it is supposed, he had found out a way to remove the contradiction, and reconcile the mystery to other appearances of nature. He instanced in "water's being boiled till it evaporates into air: from hence he inferred that one substance might be

*Stokesly's
sophism.*

CRAN-
MER.
Apo. Cant.

changed into another, the accidents still remaining: for the moisture, which was the accident of the water, remains when rarefied into air." But to argue from an accidental conversion, where the substance is still the same, to a substantial change, —where one substance is annihilated, and a new one brought in its place,—was looked on as no better than a fallacy. Lambert, when disengaged from Stokesly, had the fatigue of defending himself against six bishops more: insomuch that at last, either by the greatness of the presence, the learning of the opposers, or the length of the argument, he seemed very much embarrassed, and almost driven to silence. At the close of the day, the king asked him "if he was not satisfied, and whether he was resolved to live or die?" Lambert answered, "he cast himself wholly upon his majesty's clemency." The king told him "he would be no patron to heretics; and, therefore, if that was the furthest of his answer, he must die." The lord Cromwell read the burning sentence by the king's order. Fox saith, Cromwell was a great favourer of the Gospellers at this time; and pretends he was put upon this ill office by Gardiner's policy. But this is bare affirmation, without proof: for Cromwell being ecclesiastical vicegerent, it was part of his business. Besides, he was too much a courtier to dispute the commands of so arbitrary a prince. But more than this, he seems to have been satisfied with Lambert's execution, as appears by one of his letters written to Sir Thomas Wyatt, the king's ambassador in Germany. In this letter he magnifies the king's performance at the trial, and proposes him as a precedent to other princes. The words are these:—

Cromwell
reads the
burning
sentence.
Fox, vol. 2.
p. 429, 430.

Nov. 28,
1538.

"The king's majesty, for the reverence of the holy sacrament of the altar, did sit openly in his hall, and there presided at the disputation, process, and judgment of a miserable heretic sacramentary who was burnt the 20th of November. It was a wonder to see how princely, with how excellent gravity and inestimable majesty, his highness exercised there the very office of supreme head of the Church of England; how benignly his grace essayed to convert the miserable man; how strong and manifest reasons his highness alleged against him. I wish the princes and potentates of Christendom to have had a meet place to have seen it. Undoubtedly they should have much marvelled at his majesty's most high wisdom and judgment;

and reputed him no otherwise, after the same, than in manner the mirror and light of all other kings and princes in Christendom. The same was openly done with great solemnity, whereby I doubt not but some of your friends, that have good leisure, shall by their letters advertise you of the discourse thereof."

HENRY
VIII.

Biblioth.
R. Harley.
Armig.

This account of Lambert was perfectly voluntary: from whence we may conclude that Cromwell read the sentence without regret; for we see he calls Lambert a miserable heretic, and commends the king highly for his part at the trial. As to Lambert, he refused to live upon the terms of a recantation, suffered with great fortitude, and, as Fox reports the matter, was barbarously used by the sheriff's men.

Some few days before, four Dutch Anabaptists—three men and a woman—had faggots tied to their backs, at Paul's-cross; and one man and a woman, of the same sect and country, were burnt in Smithfield. Cranmer, upon the first of October, with some others, had a commission from the king to try some Anabaptists; which, by comparing the dates of the commission with that of the execution, we may conclude the trial passed upon the persons above-mentioned.

Stow's
Annal.
p. 556.

See Records,
num. 46.
Godwin de
Presul.
Anglie.

In May last, this year, Edward Fox, bishop of Hereford, departed this life. He was educated in King's college, at Cambridge, where he was made provost in the year 1528. He served the king in several embassies, and was promoted to this see in the year 1535. He was a person of considerable learning; and, beside other things, wrote the famous book entituled, "*De vera Differentia inter Regiam et Ecclesiasticam Potestatem.*" 153. He was a favourer of the reformation, at least to the length of the establishment in the reign of king Henry VIII. Bonner, who was nominated to succeed him, was removed to London before his consecration.

To proceed. The king's severities did not run altogether against one party: wherever he found incomppliance or suspected disaffection, he let loose the rigour of the law. Henry, marquis of Exeter; Henry, lord Montacute; and Sir Edward Nevil, were looked on as malcontents, and too far in the interest of the court of Rome. They were committed to the Tower, and afterwards indicted for high treason. They were charged with corresponding with Reginald Pole, late dean of Exeter, the king's enemy; and that they had concerted to

CRAN-
MER,
Abp. Cant.

Dec. 31.
*Several
great men
and others
executed.*
Godwin.
Annal.
Ld. Herbert,
p. 439.

*The pope
lets loose
his excom-
munication
against the
king.*

De Schism.
Anglic.

depose the king. They were tried before Thomas, lord Audley, sitting as high-steward, and found guilty. Sir Jeffery Pole, two priests, and a mariner, were likewise indicted, and cast upon the same score. They were all executed, excepting Sir Jeffery Pole, who was pardoned for turning evidence. Sir Nicholas Carew was likewise beheaded for being concerned with the marquis of Exeter.

The rough treatment of archbishop Becket's memory was highly resented at Rome: the pope was now resolved to bear the king's usage no longer; he therefore withdraws the suspension, and orders the excommunication to take place. I have given the reader an abstract of this bull from Sanders; it was published at Bruges, Tournay, Dunkirk, in Flanders; at Boulogne and Dieppe, in France; and St. Andrew's in Scotland.

At the latter end of the instrument, the pope sets forth, "that when he designed to exert the censure against the king, the mediation of some princes, and other persons of eminent quality, prevailed with him to hold his hand, in hopes the king might recall himself, and recover. That his holiness, being willing to believe the best, stopped the execution of the sentence. He hoped time, and gentle usage, would not have produced such unfortunate effects, and brought the king to a greater obstinacy. But now, after having waited three years, he was lamentably disappointed; for Henry," as he calls him, "grew worse and worse under the cure, broke out into new instances of presumption and savageness, was not contented with the murder of priests and prelates, but exercised his rage upon the dead, and struck at the honour of the saints. Thus," says he, "Saint Thomas of Canterbury, archbishop and martyr, famous for miracles wrought at his tomb, canonized by one of our predecessors, and treated by almost all Christendom with the highest regard, has been barbarously insulted by this prince. To make his contempt of religion more remarkable, he ordered a mock trial: the saint was summoned into court, condemned for contumacy, and had judgment given against him for high treason: in short, the body was taken up and burnt, and the ashes scattered in the air. This was an unprecedented barbarity, and exceeds the revenge of a conquering enemy, who do not use to extend their resentment beyond death, nor fight with graves and carcases."

From hence he proceeds to recount the rifling Becket's shrine, and the seizure of the monastery of St. Austin's, Canterbury, and driving out the monks, with all the arbitrary injustice and fury imaginable. "That these were violations of the most flaming nature, and things scarce heard of among Turks and heathens. Since, therefore, the distemper was above all remedy and evidently incurable, there was no other way but to come to amputation, and cut off the gangrened limb, for fear the infection should reach further upon the whole body." He proceeds, therefore, to declare the suspension determined, and that the excommunication was immediately to take place.

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VIII.

Sanders, de
Schism.
Anglic.
p. 190.

The pope wrote to the emperor and other princes, drove his satire strongly against the king, and made a tragical representation of his proceedings in England; but all this thunder carried but little terror with it, as appears by the correspondence, in treaties and commerce, between the king and other Catholic princes.

Jan. 1,
A. D. 1538.
Morrison's
Apomaxis,
&c.

Father Paul,
Council of
Trent.

The king understood the Protestants in Germany had entered upon a treaty with the emperor, without his knowledge. He complained of this reservedness by his ambassadors: the princes in Germany excused themselves by alleging, that there had been very little progress in this matter, the terms being as yet not fully proposed: and here they take notice of a late proclamation set forth by the king, in which the belief of transubstantiation, and some other contested points, were enjoined under severe penalties. They intreated the king these rigours may be recalled: neither were they inclined, as far as it appears, to compromise the matter, nor make any recession from the Augustine confession. Now this system of the German belief differed in several material points from king Henry's reformation, as we may see by comparing it with the "Institution of a Christian Man." To give some few instances: Not to mention the difference between transubstantiation and consubstantiation, the Augustine confession declares against the necessity of penance, prescribed by the canons. Their article of Justification doth not altogether agree with the doctrine of the Institution, &c. They insist on imputative righteousness, lay a great stress upon the bare act of believing; and though they do not deny the necessity of good works, they seem, notwithstanding, to range them under a lower consideration. They reject invocation of saints and angels, affirm nothing of praying

The Augustine confession much different from the religion professed by king Henry.
Syntagma Confessionum August. art. 11.
Bp. Burnet, pt. 1. p. 255.

CRAN-
MER,
Abp. Cant.
Art. 20.
Art. 21.

for the dead, maintain the three points already mentioned, for communion under both kinds, suppressing private masses, and allowing the marriage of priests. They dispute against the bishops' authority for the institution of ceremonies, and making canons for the regulation of diet, and the settling of festivals and fasts: but then it must be said their chief objection against this branch of the Church's power is levelled against the opinion of the merit of these observances. They likewise declare against the obligation of monastic vows. But no more of this.

*Melan-
thon's letter
to the king.*

About this time Melancthon wrote a letter to persuade the king to a further reformation. This divine touches upon the king's proclamation above-mentioned, and is much troubled that the customary ceremonies of the Church are commanded to be observed. He pretends the continuing these usages would perpetuate the abuses in the mass, takes the freedom to
154. call some of them superstitious fooleries, and makes St. Austin complain the Church was overlaid with ceremonies in his time, and almost brought back to the servitude of the Mosaic law. He acquaints the king, "Contareni, Sadolet, and cardinal Pole were the great patrons of this superstition; that without great prudence in the governors of the Church, truth would be stifled under this rubbish." But here he doth not seem to understand the state of religion in England: for his main argument against the continuance of these externals is levelled against the belief of their necessity; but this was fighting without an adversary. For the "Institution of a Christian Man" declares for the use of ceremonies, but only under the nature of circumstantialia; and that no more than convenience and solemnity are designed by them. Melancthon goes on to dispute against the celibacy of the clergy, and presseth the king to a further distance from the Church of Rome, from the example of Hezekiah. And being, not without reason, sensible he had taken some unusual liberty, he desires the king would give him a favourable construction.

April 1,
1539.

Cotton.
Libr. Cleop.
E. 5.
fol. 244.

THE END OF THE FOURTH VOLUME.



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